

## **Exhibit 26**

# **IRVINGTON PUBLIC SCHOOLS' OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT (IRVINGTON) (SD MSJ NO.4)**

Case No.: 4:22-md-03047-YGR

MDL No. 3047

Member Case No.: 4:23-cv-01467-YGR

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

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1 UNITED STATES DISTRICT COURT  
 2 NORTHERN DISTRICT OF CALIFORNIA

3 IN RE: SOCIAL MEDIA : Case No.  
 4 ADOLESCENT : 4:22-MD-03047-YGR  
 5 ADDICTION/PERSONAL :  
 INJURY PRODUCTS :  
 LIABILITY LITIGATION, : MDL No. 3047

6 This Document Relates:  
 7 To:

8 Irvington Public :  
 9 Schools v. Meta :  
 Platforms Inc., :  
 et al. :

10 Case No.: :  
 -cv-01467-YGR :

4:23

11 - - -  
 12 MAY 9, 2025

13 VOLUME II

14 CONFIDENTIAL ATTORNEYS EYES ONLY  
 15 - - -

16 Oral deposition of APRIL  
 17 VAUSS, Ph.D., taken pursuant to notice,  
 was held at Irvington Board of Education,  
 18 1 University Place, Irvington, New Jersey  
 07111, commencing at 9:56 a.m., on the  
 above date, before Amanda Dee  
 19 Maslynsky-Miller, a Court Reporter and  
 Certified Realtime Reporter.

20 - - -  
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Kyle Dingus, Paralegal, Kirkland & Ellis

14 Ryan Siffringer

15 - - -  
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- - -  
I N D E X  
- - -

Testimony of: APRIL VAUSS, Ph.D.

By Attorney Karp 331, 498  
By Attorney Innes 479

- - -  
E X H I B I T S  
- - -

NO.	DESCRIPTION	PAGE
Irvington-April Vauss-25		
No Bates,		
Irvington Township Addresses		
'Misleading' Media Report on		
Irvington High; Satisfactory		
Rating From NJDOH		341
Irvington-April Vauss-26		
3047M DL_002074_NJDOH_0000279-0417		
5/11/23 Letter,		
Pulliam to Vauss		364
Irvington-April Vauss-27		
No Bates		
Photograph		389
Irvington-April Vauss-28		
No Bates		
2016-17 School Performance		
Report, Irvington Township		391

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1	-	-	-
2	E	X	H I B I T S
3	-	-	-
4			
5	NO.	DESCRIPTION	PAGE
6	Irvington-April Vauss-29	No Bates	
7		Chronic Absenteeism, Supporting	
8		Student Attendance and Combatting	
9		Chronic Absenteesim in Our	
10		Nation's Schools	412
11	Irvington-April Vauss-30	No Bates	
12		New Video: Jashyah Moore Seen	
13		At Deli On Day She Disappeared	
14		In East Orange, NJ	429
15	Irvington-April Vauss-31	No Bates	
16		Press Release, Mother of	
17		Missing Juvenile Charged	
18		With Endangering	442
19	Irvington-April Vauss-32	No Bates	
20		Complaint-Warrant	449
21	Irvington-April Vauss-33	No Bates	
22		Photograph	485
23	Irvington-April Vauss-34	No Bates	
24		Third Amended Plaintiff Fact	
25		Sheet-School Districts	468

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## 2 DEPOSITION SUPPORT INDEX

3 - - -

4

5 Direction to Witness Not to Answer

6 Page Line Page Line Page Line

7 354 4 474 16 477 18

8 356 12 476 13

9 471 14 477 1

10

11 Request for Production of Documents

12 Page Line Page Line Page Line

13 434 10

14

15

16 Stipulations

17 Page Line Page Line Page Line

18 330 1

19

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21 Question Marked

22 Page Line Page Line Page Line

23 None

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(It is hereby stipulated and agreed by and among counsel that sealing, filing and certification are waived; and that all objections, except as to the form of the question, will be reserved until the time of trial.)

- - -

VIDEO TECHNICIAN: We are now on the record. My name is Danny Ortega, and I'm the legal videographer for Golkow Litigation Services. Today's date is May 9th, 2025, and the time is 9:56 a.m.

This video deposition is being held at 1 University Place, Irvington, New Jersey, in the matter of Social Media, CA MDL3047, Irvington Public Schools versus Meta Platforms, Inc., et al. The deponent today is April Vauss.

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1 All counsel will be noted on  
2 the stenographic record. The  
3 court reporter today is Amanda  
4 Miller, and will now swear in the  
5 witness.

6 - - -

7 APRIL VAUSS, after having  
8 been duly sworn, was examined and  
9 testified as follows:

10 - - -

11 EXAMINATION

12 - - -

13 BY ATTORNEY KARP:

14 Q. Good morning, Dr. Vauss.

15 A. Good morning.

16 Q. Welcome back.

17 A. Thank you.

18 Q. This is the second day of  
19 your deposition, correct?

20 A. Yes.

21 Q. Since adjourning your  
22 deposition on Tuesday evening, have you  
23 done anything additional to prepare for  
24 this deposition?

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1 A. No.

2 Q. Did you meet with counsel at  
3 any point between the first day of your  
4 deposition and today?

5 ATTORNEY INNES: Objection  
6 to form.

7 THE WITNESS: Yes.

8 BY ATTORNEY KARP:

9 Q. Okay. And was your meeting  
10 with counsel in preparation for the  
11 deposition we're currently taking?

12 A. No.

13 Q. Dr. Vauss, what is a climate  
14 and culture survey?

15 A. A climate and culture survey  
16 is to determine how the environment and  
17 the people feel in a particular entity.

18 Q. Are climate and culture  
19 surveys a way that Irvington Public  
20 Schools collects data for its students?

21 A. A culture and climate survey  
22 is one way that we do collect information  
23 about how our students feel.

24 Q. How often does -- in a given

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1 year, how often does Irvington Public  
2 Schools conduct climate and culture  
3 surveys?

4 A. There isn't a set number.  
5 Buildings -- certain buildings may do it  
6 twice a year, maybe at the beginning and  
7 the end; maybe once a year; other times  
8 maybe just to -- to get a pulse of the  
9 building.

10 Q. In your role as  
11 superintendent, do you review the results  
12 of these climate and culture surveys?

13 A. Not all of them.

14 Q. Which ones do you review?

15 ATTORNEY INNES: Objection  
16 to form.

17 THE WITNESS: It could -- it  
18 could be random. As a practice, a  
19 particular one for a building, I  
20 wouldn't necessarily review. But  
21 if I were, maybe once a year.

22 BY ATTORNEY KARP:

23 Q. Is there something in  
24 particular that would prompt you to

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1 review a climate and culture survey?

2 ATTORNEY INNES: Objection  
3 to form.

4 THE WITNESS: Maybe as a  
5 tool for a new administrator.

6 BY ATTORNEY KARP:

7 Q. To your knowledge, is there  
8 an individual at Irvington Public Schools  
9 who would have the climate and culture  
10 surveys that have been conducted by the  
11 district?

12 ATTORNEY INNES: Objection  
13 to form. Is there a time period  
14 that we're talking about?

15 ATTORNEY KARP: Sure. I can  
16 clarify that.

17 BY ATTORNEY KARP:

18 Q. For the last ten years, is  
19 there a particular individual within  
20 Irvington Public Schools who would have a  
21 compilation of the climate and culture  
22 surveys conducted by the district?

23 ATTORNEY INNES: Objection  
24 to the form.

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1 THE WITNESS: So maybe I can  
2 ask you a question so I can  
3 understand what you --

4 BY ATTORNEY KARP:

5 Q. Absolutely.

6 A. So is your question asking  
7 was someone charged to be the collector,  
8 like, the parliamentarian of all the  
9 information about cultures -- about  
10 culture and climate for the district?

11 Q. We can -- we can start  
12 there.

13 Is there an individual  
14 within Irvington Public Schools who is  
15 charged with -- with conducting these  
16 climate and culture surveys?

17 And my question relates to  
18 the -- to the past ten years.

19 A. No, there isn't one person.

20 Q. Who at Irvington High School  
21 would have been charged with conducting  
22 climate and culture surveys in the last  
23 ten years?

24 A. The person at the high

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1 school?

2 Q. Uh-huh, yes.

3 A. Maybe a principal. But  
4 there's been several different principals  
5 in the last ten years at the high school.

6 Q. So are school principals  
7 some of the individuals who would be  
8 conducting climate and culture surveys?

9 ATTORNEY INNES: Objection  
10 to form.

11 THE WITNESS: Occasionally.  
12 There are probably other people  
13 who could do that. But they are  
14 not mandated, unless I mandate  
15 them.

16 BY ATTORNEY KARP:

17 Q. I understand.

18 A. Or superintendents before  
19 me.

20 Q. Are there particular roles  
21 or positions within Irvington Public  
22 Schools who would have the responsibility  
23 for conducting climate and culture  
24 surveys?

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1 ATTORNEY INNES: Objection  
2 to form.

3 THE WITNESS: No, no.

4 BY ATTORNEY KARP:

5 Q. Are climate and culture  
6 surveys submitted to the state at any  
7 point in time?

8 A. They -- they may have been,  
9 yes.

10 Q. Is that part of the school  
11 planning submissions that are made to the  
12 state?

13 ATTORNEY INNES: Objection  
14 to form. Lack of foundation.

15 THE WITNESS: There may be  
16 verbiage that's placed in certain  
17 mandated reports to the state that  
18 mention that.

19 But as a rule, that part is  
20 not something that's mandated.

21 BY ATTORNEY KARP:

22 Q. Can you think of a context  
23 or an occasion when the district would  
24 submit climate and culture surveys to the



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1 New Jersey Board of Education?

2 ATTORNEY INNES: Objection  
3 to form.

4 THE WITNESS: It may --  
5 maybe as part of the ASP, our  
6 annual school plans, as a reason  
7 or a rationale to include it as  
8 part of one's goals.

9 BY ATTORNEY KARP:

10 Q. Are you aware of a central  
11 location in the district's files where  
12 climate and culture surveys would be  
13 compiled?

14 ATTORNEY INNES: Objection.  
15 Asked and answered.

16 THE WITNESS: So one place?  
17 Maybe not one place. Maybe  
18 shared, maybe at, like, an  
19 end-of-school report or maybe if  
20 someone wants to show us a survey  
21 they may have conducted as part of  
22 an evaluation or, you know -- but  
23 there's no mandated reporting of a  
24 culture and climate survey, so to

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1 speak.

2 If there is a survey that is  
3 given out from my office, then  
4 by -- by virtue of me giving it  
5 out, it's mandated. But it's not  
6 something that I may do routinely,  
7 you know. We'll talk about the  
8 last five years of my tenure, it  
9 wouldn't have been something that  
10 I've done routinely.

11 BY ATTORNEY KARP:

12 Q. If you wanted to review the  
13 climate and culture surveys that have  
14 been conducted for the last ten years,  
15 how would you go about locating those  
16 surveys?

17 ATTORNEY INNES: Objection  
18 to form.

19 THE WITNESS: So I might  
20 ask -- this may sound antiquated,  
21 but I might ask the present  
22 principal, is it the same computer  
23 with the same hard drive? And ask  
24 them to search -- you know, use

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1 keywords to see if they can locate  
2 a survey, if they don't have it in  
3 a separate binder or something,  
4 maybe, in their office that they  
5 are sharing with the previous  
6 principal.

7 I might go to -- to see how  
8 many annual school plans we can  
9 maybe get from the past. Because  
10 they haven't always been mandated,  
11 probably, in the last -- maybe in  
12 the last ten years that -- that  
13 window it would fall within.

14 I would see maybe as a part  
15 of their school leadership  
16 council, if they conducted any, so  
17 there's -- there's not a mandate.  
18 So it would be very hard, because  
19 that would be an internal  
20 function, so.

21 BY ATTORNEY KARP:

22 Q. I believe you said this  
23 already, but just to confirm, there's no  
24 central location, no shared folder that

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1 you would -- that you would go to -- go  
2 to where you would expect to find all of  
3 these climate and culture surveys  
4 compiled; is that right?

5 A. No.

6 Q. Dr. Vauss, on Tuesday we  
7 spent some time discussing the June 2023  
8 New Jersey 101.5 article called, Shocking  
9 Fights, Riots, Rats, Crumbling School.

10 Do you recall that?

11 A. Yes.

12 Q. And for the record, just for  
13 clarity, that article was previously  
14 marked Exhibit-21.

15 When we were discussing  
16 that -- that piece, you mentioned a  
17 counter-article.

18 Do you recall that?

19 A. Yes.

20 ATTORNEY KARP: I'm going to  
21 hand you Tab 35, which we will  
22 mark as Exhibit-25.

23 - - -

24 (Whereupon, Exhibit

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1 Irvington-April Vauss-25, No  
2 Bates, Irvington Township  
3 Addresses 'Misleading' Media  
4 Report on Irvington High;  
5 Satisfactory Rating From NJDOH,  
6 was marked for identification.)

7 - - -

8 BY ATTORNEY KARP:

9 Q. Dr. Vauss, this is an  
10 article titled, Irvington Township  
11 Addresses, quote, Misleading Media Report  
12 on Irvington High, Satisfactory Rating  
13 From NJDOH.

14 Do you see that?

15 A. Yes.

16 Q. And this is dated June 5th,  
17 2023.

18 Is this the counter-article  
19 that you had in mind when we were  
20 discussing these issues the other day?

21 A. Yes.

22 ATTORNEY INNES: Objection  
23 to form.

24 THE WITNESS: Yes.

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1 BY ATTORNEY KARP:

2 Q. That was a yes?

3 A. Yes.

4 Q. Let's look at Pages 3 and 4  
5 of this article.

6 In the middle of Page 3, it  
7 states, In the spirit of transparency,  
8 Irvington Township superintendent  
9 Dr. April Vauss said she returned the  
10 e-mail in under an hour with the  
11 following information -- and then the  
12 article purports to include an e-mail  
13 that you sent.

14 Do you see that?

15 A. Yes.

16 Q. Do you recall writing this  
17 e-mail to the author of the New Jersey  
18 101.5 article?

19 ATTORNEY INNES: Objection  
20 to form.

21 THE WITNESS: Yes.

22 BY ATTORNEY KARP:

23 Q. To the best of your  
24 recollection, is this an accurate

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1 reproduction of the e-mail you wrote?

2 ATTORNEY INNES: Objection  
3 to form.

4 THE WITNESS: Without having  
5 it in front of me, I would -- I  
6 would say I believe so.

7 BY ATTORNEY KARP:

8 Q. Let's turn to Page 4 of the  
9 article.

10 And I'll focus you on the --  
11 at the very top of the article -- at the  
12 very top of the page, rather. One of the  
13 things you wrote in your e-mail was, As  
14 of May 11th, we have satisfied all  
15 concerns within the building.

16 Do you see that?

17 A. Yes.

18 Q. And I read that correctly?

19 A. You read that correctly.

20 Q. What happened on May 11th?

21 A. There was some concerns from  
22 the IEA, Irvington Educational  
23 Association, that were raised.

24 Without having it right in

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1 front of me, I'm not really familiar with  
2 what those concerns were. But those  
3 concerns were one thing, and the article  
4 and the images in that article were  
5 something completely separate. They  
6 were -- they were conflated issues.

7 So the images here were one  
8 thing. The concerns of the building  
9 from -- that were raised by the IEA were  
10 something completely different.

11 ATTORNEY INNES: And just so  
12 the record reflects, when  
13 Dr. Vauss said "reflected here,"  
14 she was pointing to Exhibit --

15 ATTORNEY KARP: Exhibit-21,  
16 I believe.

17 ATTORNEY INNES: 21.

18 ATTORNEY KARP: And thank  
19 you. I was going to clarify that.

20 BY ATTORNEY KARP:

21 Q. So you are distinguishing  
22 between the content of the New Jersey  
23 101.5 article and the photographs that  
24 are included there and the issues that



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1 are discussed there, on the one hand, and  
2 the issues that were of interest to the  
3 IEA?

4 A. Yes.

5 Q. You testified the other day  
6 that you had no basis to dispute that the  
7 photographs contained in the New Jersey  
8 101.5 article were taken at Irvington  
9 High School.

10 Do you remember that?

11 A. I said that these were  
12 images that were from years -- at least a  
13 dozen years before of places in Irvington  
14 public schools.

15 As to the veracity of them  
16 being pictures of -- one, of the current  
17 school, I said that is not correct and  
18 they weren't the pictures of the school  
19 during the time that this article was  
20 made, okay.

21 And as far as all of these  
22 images being Irvington High School, I did  
23 not agree with that.

24 Q. Okay. And I want to make

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1 sure I have your testimony right.

2 So your -- your testimony is  
3 that these images were of a different  
4 Irvington -- different buildings within  
5 the Irvington Public Schools --

6 A. At some time period.

7 Q. At some point in time, but  
8 not necessarily the point in time that  
9 the author was -- was claiming in his  
10 article?

11 A. Yes.

12 Q. Is that --

13 ATTORNEY INNES: Objection  
14 to form. Misstates prior  
15 testimony.

16 ATTORNEY KARP: I believe  
17 Dr. Vauss just told me she --

18 ATTORNEY INNES: I just take  
19 issue with the "not necessary."  
20 She has more opinions than that in  
21 her testimony.

22 ATTORNEY KARP: Understood.

23 BY ATTORNEY KARP:

24 Q. Focusing back on Exhibit-25

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1 and the counter-article.

2 What you're pointing out  
3 to -- what you've pointed out in your  
4 e-mail is that there were issues at  
5 Irvington High School, but by May 11th,  
6 which is before the New Jersey 101.5  
7 article came out, those issues had been  
8 addressed or fixed, correct?

9 A. So let me just -- for a  
10 point of clarification.

11 I think what we need here is  
12 we need to see the e-mail that was sent  
13 to me. Because, once again, I believe  
14 that there were issues that were  
15 conflated.

16 One, were there -- were  
17 there concerns that the IEA raised?  
18 That's one set of questioning. Whether  
19 this is the high school in its current  
20 state or at the time of this article was  
21 another set of questions.

22 So for me to speak to as of  
23 May the 11th is to say that that has to  
24 do with this article, and I am -- my

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1 contention is that it does not. So I  
2 would need to see the complete  
3 questioning from the reporter to be able  
4 to accurately give an answer to your  
5 question.

6 Q. Understood. What you're  
7 telling the author of the New Jersey  
8 101.5 article is that there were issues  
9 and they were addressed by the time --  
10 strike that.

11 What you wrote to the author  
12 of the New Jersey 101.5 article is that  
13 there were issues at Irvington High  
14 School, but those issues had already been  
15 addressed as of May 11th; is that right?

16 ATTORNEY INNES: Objection  
17 to form.

18 THE WITNESS: What I would  
19 like to -- to be able to  
20 accurately answer your question, I  
21 would like to see the e-mail that  
22 was sent.

23 Because as you can see in  
24 the e-mail that I sent, it's that

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1 I am not sure what photos or  
2 videos you have or whether they  
3 pertain to our high school, but  
4 you are welcome to send them to me  
5 at your earliest convenience.

6 And as I've noted before, I  
7 never saw these photos before they  
8 printed their article. I would be  
9 able to say, hey, concern by the  
10 IEA is not these photos. I would  
11 have been able to say that.

12 But this -- I don't believe  
13 that that was the -- the intention  
14 was to clarify. It was to create  
15 an article, maybe. I don't know.

16 But I just know that this is  
17 one thing and this is another.

18 So to be more accurate and  
19 to make sure that my testimony --  
20 testimony is -- is truthful, I  
21 would like to see the e-mail.

22 BY ATTORNEY KARP:

23 Q. And I believe the e-mail  
24 that you're requesting is on the prior --

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1 A. Other page?

2 Q. -- page, starting on Page 2.

3 A. Okay.

4 Q. Let me know once you've had  
5 a chance to look at that.

6 A. So there -- there were  
7 several e-mails that were sent. This  
8 isn't -- this isn't the only e-mail that  
9 was sent. This is one response.

10 This isn't the -- this isn't  
11 the only e-mail as it relates to this.

12 Q. As it was reported in this  
13 counter-article that you mentioned the  
14 other day, there was the e-mail coming  
15 from Mr. Matthew that appears on Pages 2  
16 and 3, and then your response right  
17 after.

18 Your testimony is that there  
19 are other e-mails in this chain?

20 A. And there was a phone call  
21 as well.

22 So this isn't the  
23 embodiment. This is a piece of it, all  
24 right. I -- I'm not discounting this.

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1 But I'm saying, this isn't the totality  
2 of it.

3 So for me to speak to  
4 this -- and then we conflate the two  
5 together as though the totality of it, I  
6 don't believe is accurate.

7 Q. And I'm not trying to  
8 conflate anything. I'm just trying to  
9 sort it out.

10 A. No, I understand. But I  
11 just want to be accurate, you know.

12 And if we're using this as  
13 an instance -- you know, I thought I was  
14 here to speak about how social media  
15 is -- is hurting the children of  
16 Irvington Public Schools.

17 But if we want to talk about  
18 this, I think we have to talk about the  
19 entirety of it; the phone calls from the  
20 reporter, the e-mails, my response,  
21 everything, to give an accurate picture  
22 to everyone.

23 Q. You -- fair to say that the  
24 conditions of a building and the

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1 conditions in which students attend  
2 school have an affect on their  
3 well-being, correct?

4 A. Yes, yes. I think that's  
5 fair.

6 Q. And on the first day of your  
7 deposition, you told me that you believed  
8 many of the photographs contained in the  
9 New Jersey 101.5 article came from an SDA  
10 letter.

11 Do you remember that  
12 testimony?

13 A. I said from a compilation of  
14 pictures, it was something that was sent  
15 to the SDA, I think, back in 2012 or --  
16 so I don't -- you know, but before --  
17 before my tenure as superintendent and  
18 before, probably, even my tenure at  
19 central office.

20 Q. What is your basis for  
21 believing that the photographs came from  
22 the SDA process?

23 A. I believe --

24 ATTORNEY INNES: Objection



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1 to form.

2 Dr. Vauss, to the extent  
3 you've had conversations with  
4 counsel for the district or in  
5 other capacities, you do not need  
6 to reveal those conversations.

7 THE WITNESS: Okay.

8 ATTORNEY INNES: Or that you  
9 even had those conversations. I  
10 just caution you that if you feel  
11 comfortable answering that  
12 question, you can.

13 THE WITNESS: I do not.

14 BY ATTORNEY KARP:

15 Q. I'm sorry, you --

16 A. I do not.

17 Q. -- do not feel comfortable  
18 answering --

19 A. Yes.

20 Q. -- the question?

21 You're going to follow your  
22 counsel's instruction on answering the  
23 question?

24 A. I'm going to take my

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1 counsel's instruction.

2 Q. Do you recall the last time  
3 you saw or reviewed the SDA letter that  
4 you referred to as potentially containing  
5 the photos from the New Jersey 101.5  
6 article?

7 A. I do not.

8 Q. Is that something that you  
9 attempted to find between the first day  
10 of your deposition and today?

11 A. No.

12 Q. Did you -- do you recall  
13 reviewing that letter at the time that  
14 the New Jersey 101.5 article was  
15 released?

16 A. No.

17 Q. Turning back to your e-mail  
18 as it's reproduced in the  
19 counter-article. And I'll direct your  
20 attention to Page 4.

21 A. Page 4.

22 Q. You wrote, I would hope that  
23 your source is not utilizing your  
24 reporting as a way to attack the building

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1 administration.

2 Do you see that?

3 A. Yes.

4 Q. What made you suspect that  
5 this was an attack on the building  
6 administration?

7 ATTORNEY INNES: Objection  
8 to the form.

9 To the extent that you've  
10 had discussions with counsel or  
11 that was an investigation that was  
12 ongoing by the -- by the district  
13 that involved counsel, I'll direct  
14 you not to answer that question.

15 But if you feel comfortable  
16 answering it, you may.

17 THE WITNESS: I will have to  
18 say no, I can't discuss that.

19 BY ATTORNEY KARP:

20 Q. What did you know, at the  
21 time that you wrote this e-mail, that  
22 made you think it could be an attack on  
23 building administration?

24 ATTORNEY INNES: Objection

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1 to the form.

2 You can answer.

3 THE WITNESS: Information  
4 that was shared with me. Not  
5 information that was shared with  
6 building administration but  
7 information shared with me.

8 BY ATTORNEY KARP:

9 Q. And just to be respectful of  
10 your counsel's instruction, I'm -- I am  
11 not asking who gave you this information  
12 and what -- or the details of any  
13 conversations you had.

14 My question is really just  
15 about what you knew and what knowledge  
16 you had when you wrote this e-mail.

17 Does that make sense?

18 A. May I speak with my counsel,  
19 please?

20 Q. You may.

21 ATTORNEY KARP: We can go  
22 off the record.

23 VIDEO TECHNICIAN: The time  
24 right now is 10:20 a.m. We are

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1 off the record.

2 - - -

3 (Whereupon, a brief recess  
4 was taken.)

5 - - -

6 VIDEO TECHNICIAN: The time  
7 right now is 10:29 a.m. We are  
8 back on the record.

9 ATTORNEY INNES: Thank you.  
10 This is -- for the record, it's  
11 Michael Innes, counsel for the  
12 school district.

13 We went off the record  
14 because Dr. Vauss had a question  
15 regarding attorney-client  
16 privilege that may bear on this  
17 line of questioning.

18 We've resolved that, and so  
19 we can continue.

20 ATTORNEY KARP: Thank you.

21 BY ATTORNEY KARP:

22 Q. Dr. Vauss, just before we  
23 took our break, I was asking you some  
24 questions about a statement you made in

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1     this e-mail about your suspicion that the  
2     New Jersey 101.5 article was an attack on  
3     the building administration.

4                     Do you remember that?

5             A.       Yes.

6             Q.       And my question to you was  
7     what you knew at the time that you wrote  
8     this e-mail that made you think the  
9     report could be an attack on the building  
10    administration?

11            A.       This belief was in regards  
12    to information shared with me by a member  
13    of the union.

14            Q.       And what specifically was  
15    shared with you by that member of the  
16    union?

17            A.       That they didn't like the  
18    administration.

19            Q.       At the time that you wrote  
20    this e-mail to the author of the New  
21    Jersey 101.5 article, did you know who  
22    the source was of the photographs and  
23    complaints that were included in that  
24    article?

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1 A. No.

2 Q. Sitting here today, do you  
3 know who the source was?

4 A. No.

5 Q. You also told me that the  
6 author of the New Jersey 101.5 article  
7 wanted to slander a town with a  
8 democratic mayor.

9 Do you recall that?

10 A. Yes.

11 Q. And the democratic mayor  
12 you're referring to is your husband?

13 A. Yes.

14 Q. What made you feel or  
15 suspect that this was a political hit  
16 piece?

17 A. Well, throughout, it said --  
18 well, it listed him as a democratic  
19 mayor. So that was -- that's what made  
20 me feel as though it was something to do  
21 with politics.

22 Because my husband is not  
23 the leader of the school district, I am,  
24 so.

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1 Q. Let's turn to Page 5 of the  
2 article.

3 A. Of the article?

4 Q. Of the article -- the  
5 counter-article.

6 A. Okay.

7 Q. Exhibit-25, for clarity.

8 A. Okay.

9 Q. Toward the bottom of the  
10 page, the article reports, Mayor Vauss  
11 said the school, like just about every  
12 building in New Jersey, has resource  
13 officers and security patrolling the  
14 school. Quote, There have been no riots  
15 in or around the school.

16 Do you see that?

17 A. Yes.

18 Q. Is that a true statement?

19 A. That there have been no  
20 riots in or around the school? According  
21 to my definition of a riot, yes, there  
22 hasn't been riots in or around the  
23 school.

24 Q. And in this statement, he's



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1 referring to Irvington High School?

2 A. Yes, I believe so.

3 Q. What is your definition of a  
4 riot?

5 A. I don't know that I can come  
6 up with one that is a pure definition.

7 But I think about, you know,  
8 people, you know, protesting some  
9 injustice and they feel as though there  
10 is no remedy, so they are fighting the  
11 powers that be to get what it is that  
12 they are asking for.

13 So if -- that being, you  
14 know, a clumsy definition, but that would  
15 be what I would see as a riot.

16 Q. Were those the types of  
17 incidents and events that were being  
18 reported on in the New Jersey 101.5  
19 article?

20 A. Let me look at -- let me  
21 look at the article again. But I -- I  
22 know of no riots. I thought they were  
23 reporting on fights that they allege  
24 happened.

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1                   So riots, I'm thinking of a  
2   mob of people who are protesting against  
3   some type of injustice or something that  
4   they don't like.

5                   So I don't know that that's  
6   what they reported on. If you could  
7   bring it to my attention where in that  
8   article it says that, I can see if that's  
9   what they're describing.

10                  Q.       And is this your  
11   understanding of what your husband meant  
12   when he said there have been no riots in  
13   or around the school?

14                  ATTORNEY INNES:   Objection  
15   to form.

16                  THE WITNESS:   I would  
17   imagine what I describe is maybe  
18   what he meant.

19                  But to be honest, I didn't  
20   discuss what he said with him, to  
21   be quite honest.

22   BY ATTORNEY KARP:

23                  Q.       He was responding to the New  
24   Jersey 101.5 article, correct?

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1 A. I believe --

2 ATTORNEY INNES: Objection  
3 to form.

4 THE WITNESS: I believe so,  
5 yes.

6 BY ATTORNEY KARP:

7 Q. And the incidents that were  
8 reported in that article, correct?

9 A. Yes.

10 Q. You can put this exhibit to  
11 the side.

12 A. Okay.

13 ATTORNEY KARP: I'm handing  
14 you Tab 28. We'll mark this  
15 Exhibit-26.

16 - - -

17 (Whereupon, Exhibit  
18 Irvington-April Vauss-26,  
19 3047MDL\_002074\_NJDOH\_0000279-0417,  
20 5/11/23 Letter, Pulliam to Vauss,  
21 was marked for identification.)

22 - - -

23 ATTORNEY KARP: The starting  
24 Bates number of this document is

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1           3047MDL\_002074\_NJDOH\_0000279. And  
2           the first couple of pages of this  
3           exhibit are a declaration from the  
4           custodian of records at the New  
5           Jersey Department of Health.

6       BY ATTORNEY KARP:

7           Q.       Dr. Vauss, I'll represent to  
8           you that these are documents that were  
9           produced to us by the New Jersey  
10          Department of Health. And that is  
11          explained in the declaration from the  
12          custodian of records.

13                 Do you see that?

14          A.       Yes.

15          Q.       Let's turn to the page with  
16          Bates ending in 296.

17                 Are you there?

18          A.       Yes. 296.

19          Q.       This is a memorandum from  
20          the New Jersey Department of Health,  
21          correct?

22          A.       Yes.

23          Q.       And the subject line of  
24          this -- of this memorandum is, Violations

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1 of the PEOSH Act, and there's a reference  
2 to Irvington High School, Irvington  
3 Public School District.

4 Do you see that?

5 A. Yes.

6 Q. PEOSH stands for Public  
7 Employees Occupational Safety and Health  
8 Act, correct?

9 A. Yes.

10 Q. Do you have any reason to  
11 doubt the accuracy of the images and  
12 information that are contained in the  
13 records produced to us by the New Jersey  
14 Department of Health?

15 ATTORNEY INNES: Objection  
16 to form.

17 THE WITNESS: No.

18 BY ATTORNEY KARP:

19 Q. Do you have any reason to  
20 doubt that the images are what the New  
21 Jersey Department of Health says that  
22 they are?

23 ATTORNEY INNES: Objection  
24 to form. Speculation -- calls for

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1 speculation.

2 THE WITNESS: No.

3 (Technical difficulties.)

4 VIDEO TECHNICIAN: The time  
5 right now is 10:39 a.m. We are  
6 off the record.

7 - - -

8 (Whereupon, a brief recess  
9 was taken.)

10 - - -

11 VIDEO TECHNICIAN: The time  
12 right now is 10:48 a.m., and we  
13 are back on the record.

14 BY ATTORNEY KARP:

15 Q. Dr. Vauss, just before the  
16 break, I was asking about the information  
17 and the images that are contained in  
18 these Department of Health records.

19 Do you remember?

20 A. Yes.

21 Q. And my question to you was,  
22 do you have any basis to dispute that the  
23 images and information that are contained  
24 here in the New Jersey Department of

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1 Health records are what they purport to  
2 be?

3 ATTORNEY INNES: Objection  
4 to the form.

5 THE WITNESS: I don't have  
6 any reason to confirm that they  
7 are or to deny them. So that's --  
8 that's my position.

9 BY ATTORNEY KARP:

10 Q. The date on this memorandum  
11 is February 23rd, 2023.

12 Do you see that?

13 A. Yes.

14 Q. Let's turn the page to the  
15 page ending in 297.

16 Do you see that you are  
17 identified as the employer  
18 representative?

19 A. Yes. Absolutely. I'm the  
20 superintendent.

21 Q. What is the significance of  
22 being the employer representative?

23 A. So I will be notified or  
24 sent information about various things

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1 about the district.

2 So in this instance, this  
3 came from -- I guess -- was it the  
4 education Department of Health, or their  
5 section. Sorry. Correction.

6 New Jersey Department of  
7 Labor and Workforce Development,  
8 Department of Health. Yes, Department of  
9 Health. So I would have received the  
10 complaint.

11 Q. In your role as  
12 superintendent of Irvington Public  
13 Schools, are you generally involved in  
14 inspections that the Department of Health  
15 would do of school premises?

16 A. No, not normally.

17 Q. Would you be involved in  
18 investigating complaints that were made  
19 about the -- the conditions of buildings  
20 within the Irvington Public Schools?

21 A. I usually would have a  
22 designee, because that wouldn't  
23 necessarily be my -- my area of  
24 expertise, to do the -- to do an



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1 investigation.

2 Q. And who would that designee  
3 be?

4 A. Roger Monel.

5 Q. As superintendent of  
6 Irvington Public Schools, would you have  
7 a role in addressing any health and  
8 safety violations that were identified by  
9 the New Jersey Department of Health?

10 A. Yes.

11 Q. And what would that role be?

12 A. I would ensure that -- one,  
13 that the people in charge of a particular  
14 department, which would be the buildings  
15 and grounds or the associate business  
16 administrator, would address these  
17 concerns and that they would let me know  
18 that those concerns were addressed and be  
19 able to give me the information to share  
20 with the state, if -- if the inquiry was  
21 directed towards me.

22 Q. Let's go to the page ending  
23 in 298, which is the following page.

24 This is a notice of order to

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1     comply from the New Jersey Department of  
2     Labor and Workforce Development, correct?

3             A.       Yes.

4             Q.       And this letter was issued  
5     to you on February 27th, 2023, following  
6     an inspection on January 24th, 2023 --  
7     excuse me, yes, 2023.

8                     Let me -- let me re-ask that  
9     a bit cleaner.

10                    This letter was issued to  
11    you on February 27th, 2023, following an  
12    inspection on January 24th, 2023; is that  
13    right?

14             A.       Yes.

15             Q.       And according to this  
16    letter, the inspection site was Irvington  
17    High School?

18             A.       Yes.

19             Q.       So this notice relates to an  
20    inspection that was done at Irvington  
21    High School?

22             A.       Yes.

23             Q.       Let's turn to the page  
24    ending in 303. I want to focus you on

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1 Citation 2, Item 1.

2 Are you there?

3 A. Yes.

4 Q. The New Jersey Department of  
5 Labor and Workforce Development reported  
6 that, Irvington High School was not  
7 thoroughly cleaned, particularly the air  
8 circulation vents in the boy's locker  
9 room and wrestling room. Debris was  
10 observed on classroom materials and  
11 floors from damaged walls and ceilings.  
12 Deteriorating pipe wrap debris was  
13 observed on floors in classrooms and  
14 hallways.

15 Did I read that correctly?

16 A. You read that correctly,  
17 yes.

18 Q. And the citation is  
19 described as facility wide.

20 Do you see that?

21 A. Yes.

22 Q. Do you understand that to  
23 mean across the Irvington High School  
24 building?

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1 A. I -- yes.

2 Q. I apologize in advance for  
3 some page turning. But let's look at the  
4 page ending in 318, 3-1-8.

5 Are you there?

6 A. Yes, I am.

7 Q. Section E of this worksheet  
8 is called, Measurements.

9 Do you see that?

10 A. Yes.

11 Q. And according to the New  
12 Jersey Department of Health, employees  
13 were exposed to possible respiratory  
14 illness due to poor sanitation and indoor  
15 air quality.

16 Do you see that?

17 A. Yes, I see that.

18 Q. Just below that, in a  
19 section called Employer Knowledge, the  
20 state reported that, The dirty vents and  
21 damaged building material debris are in  
22 plain view of all employees and  
23 administrators.

24 Did I read that correctly?

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1 A. Yes.

2 Q. Let's go back to 304, the  
3 page ending in 304.

4 Are you there?

5 A. Yes.

6 Q. And this page refers to  
7 Citation 2, Item 3.

8 Do you see that?

9 A. Yes.

10 Q. And the state reported that,  
11 The pest management program was not  
12 effective, as ongoing rodent  
13 activity/sightings had been logged into  
14 the pest management log book eleven  
15 different times and locations throughout  
16 the school in December, with no verified  
17 corrective actions. Holes were observed  
18 in the walls throughout the facility in  
19 the hallways, stairwells, classrooms and  
20 wrestling room, permitting rodent  
21 movement throughout the school.

22 Did I read that correctly?

23 A. Yes.

24 Q. Are those spaces where

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1 students would spend time?

2 A. I -- I --

3 ATTORNEY INNES: Objection.

4 Calls for speculation.

5 THE WITNESS: I can't say.

6 Especially from the pictures that

7 you have here and this, I can't

8 say.

9 This wouldn't be something

10 that I could verify or deny. But

11 I couldn't verify it.

12 BY ATTORNEY KARP:

13 Q. I will clarify my question.

14 Are hallways, stairwells,

15 classrooms and the wrestling room spaces

16 where Irvington students would spend

17 time?

18 A. Yes.

19 Q. Like the other citation we

20 looked at before, this was reported

21 facility wide at Irvington High School.

22 Do you see that?

23 A. Yes.

24 Q. Let's turn to the page

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1 ending in 325. Section E of the  
2 worksheet details is called,  
3 Measurements.

4 Do you see that?

5 A. Yes.

6 Q. And in the middle of that  
7 paragraph, the state reported that, The  
8 employees were exposed to possible  
9 illness due to poor sanitation from  
10 ongoing rodent activity, which had been  
11 logged into the pest management log book  
12 eleven different times.

13 Do you see that?

14 A. Yes.

15 Q. Let's turn to the pages  
16 ending 327 and 328.

17 And I apologize for the  
18 orientation of the photos. They appear  
19 to be upside down. This is how we got  
20 the records. So you may need to rotate  
21 the -- the document.

22 A. I did. Yes.

23 Q. These are photographs of the  
24 Tri-County Termite and Pest Control

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1 problem log.

2 Do you see that?

3 A. Yes.

4 ATTORNEY INNES: Objection.

5 THE WITNESS: Yes.

6 BY ATTORNEY KARP:

7 Q. Is it correct that teachers  
8 and other staff would write into this log  
9 to make reports about pest control  
10 issues?

11 A. I'm not sure. It looks -  
12 from this, it looks like there may have  
13 been, but.

14 Q. I have flipped my book to be  
15 right side up. And at that point, I want  
16 to focus your attention to the bottom  
17 left-hand corner.

18 I recognize this is a little  
19 difficult to read, but we'll do our best  
20 here.

21 The pest control problem log  
22 entry that we're looking at here states,  
23 Mice are running all over the classroom.

24 Do you see that?



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1 A. You said the bottom right?

2 Q. Bottom left-hand corner.

3 A. Oh, left-hand corner.

4 Yes. I'm reading that, yes.

5 Oh, wait. This is better up  
6 here. Sorry.

7 Q. Yeah. It's definitely  
8 clearer on the screen.

9 A. Yes.

10 Q. Okay. So this entry in the  
11 problem log says, Mice are running all  
12 over the classroom.

13 Do you see that?

14 A. Yes.

15 Q. And about a line or two down  
16 it says, Droppings are all over my desk.

17 Do you see that?

18 A. Yes.

19 Q. And this is an entry from  
20 December of '22, correct?

21 A. Uh-huh.

22 Q. Let's look at the bottom  
23 right-hand corner of the page.

24 This entry is dated December

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1 7th, 2022. And the location is Room 6.

2 Do you see that?

3 A. Yes.

4 Q. Do you know what Room 6 is?

5 A. I'm not exactly sure. But  
6 my guess would probably be, like, the  
7 basement, maybe, because of the number.  
8 But I'm not entirely sure.

9 Q. The entry here in the  
10 problem log is -- reads, Cockroaches  
11 merrily marched from the walls to the  
12 door in front of us.

13 Do you see that?

14 A. I'm assuming that -- I'm  
15 assuming maybe your eyes are better than  
16 mine. Maybe you can zoom in so we can  
17 see it better. But I'll trust your eyes  
18 on that.

19 Q. I'll read it one more time  
20 in case it helps.

21 A. No I'm -- I'm reading it,  
22 yes.

23 Q. And it says, Cockroaches  
24 merrily marched from the wall to the door

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1 in front of us.

2 A. Yes.

3 Q. And just under that, the log  
4 reads, Mice droppings daily.

5 Do you see that?

6 A. Yes.

7 Q. There's a section there for  
8 action taken.

9 Do you see that?

10 A. Yes.

11 Q. And nothing is written  
12 there, right?

13 A. Yes.

14 Q. Let's turn the page to 328.

15 This is another complaint  
16 from December of 2022, correct?

17 A. Yes.

18 Q. And the location of this  
19 complaint is Room 102.

20 Do you see that?

21 A. Yes.

22 Q. The log says, Mouse  
23 droppings all over my room, every day.  
24 Mice running around when students

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1 present. Cockroaches, exclamation point.

2 Do you see that?

3 A. Uh-huh.

4 Q. Mouse droppings all over my  
5 room, the word "all" is in all caps,  
6 right?

7 A. Yes.

8 Q. And for the section action  
9 taken, it says, Please -- in all caps and  
10 underlined -- take action, with two  
11 exclamation points.

12 Do you see that?

13 A. Yes.

14 Q. This is what appeared in the  
15 pest control problem log that the  
16 Irvington High School maintained,  
17 correct?

18 ATTORNEY INNES: Objection  
19 to form.

20 THE WITNESS: Yes.

21 BY ATTORNEY KARP:

22 Q. On the next few pages, from  
23 329 to 331, those would be the ending  
24 Bates numbers, there are various pictures

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1 that the inspector took of the walls and  
2 floors at Irvington High School.

3 Do you see those  
4 photographs?

5 A. Yes.

6 Q. Do you have any reason to  
7 doubt that the inspector took these  
8 photographs during his or her visit in  
9 January of 2023?

10 ATTORNEY INNES: Objection  
11 to form.

12 THE WITNESS: I can't  
13 confirm or deny. But I -- I  
14 would -- if I were to venture a  
15 guess, if it was said by the  
16 inspector, then perhaps it is.

17 BY ATTORNEY KARP:

18 Q. Almost done with this  
19 document, Dr. Vauss.

20 If we turn back to Page 305.  
21 This page refers to Citation 2, Item 4.

22 Do you see that?

23 A. I'm sorry, you said 305?

24 Q. Yes. Bates ending in 305.

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1 A. Yes. Just one second.

2 Q. Take your time.

3 A. Yes.

4 Q. This page refers to Citation  
5 2, Item 4.

6 Here the state reported,  
7 Multiple areas of water intrusion and  
8 water-damaged building materials were  
9 observed throughout the building, which  
10 had not been remediated, cleaned or  
11 repaired.

12 Do you see that?

13 A. Yes.

14 Q. And there are a number of  
15 locations listed for where this was  
16 observed.

17 Do you see that?

18 A. Yes.

19 Q. Including ceiling tiles in  
20 Room 6, hallways, Room 2, Room 3, the  
21 wrestling room, and some closet areas.

22 Do you see that?

23 A. Yes.

24 Q. According to this letter,

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1       abatement was required to occur by  
2       April 24th, 2023.

3                       Do you see that?

4               A.       Yes.

5               Q.       At least for this particular  
6       citation that we're focused on right now,  
7       right?

8               A.       Yes.

9               Q.       And if the district did not  
10       abate these issues by April 24th, 2023,  
11       it would be fined \$1,000 per day; is that  
12       right?

13              A.       Yes.

14              Q.       To your knowledge, was  
15       abatement achieved for this citation?

16              A.       To the best of my knowledge,  
17       it was.

18              Q.       You can put this document to  
19       the side.

20                      Dr. Vauss, on the first day  
21       of your deposition, we talked about a  
22       photograph that appeared in the New  
23       Jersey 101.5 article with a sign that  
24       said, Do not drink the water.

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1 Do you recall our discussion  
2 about that photograph?

3 A. Yes.

4 Q. And our discussion about  
5 that sign?

6 A. Yes.

7 Q. Okay. And I asked you if  
8 you were aware of whether those signs  
9 were still hanging in Irvington Public  
10 School buildings today.

11 Do you recall that?

12 A. Yes.

13 Q. Do you recall what your  
14 testimony was in response to that  
15 question?

16 A. I believe I said I didn't  
17 see them, or something to that effect.

18 But you could read me back  
19 my answer.

20 Q. I could.

21 ATTORNEY INNES: Creative  
22 way to avoid my asked and  
23 answered. But okay.

24 ATTORNEY KARP: I'm a



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1 creative lawyer, Michael.

2 BY ATTORNEY KARP:

3 Q. Dr. Vauss, sitting here  
4 today, are you aware of whether there are  
5 signs in the bathrooms of University  
6 Elementary School and the Irvington Board  
7 of Education that instruct or caution  
8 people not to drink the water from the  
9 tap?

10 A. I would say whatever I said  
11 the other day is probably the same  
12 answer, because I -- I don't know.

13 I haven't -- I wouldn't go  
14 into the children's bathrooms. So if  
15 someone produced something that showed  
16 something, you know, you can show it to  
17 me. And then I would say, yes, that's  
18 our bathroom, maybe.

19 But I -- I couldn't tell  
20 you.

21 Q. You testified that you were  
22 not aware of these signs.

23 And you mentioned that there  
24 were filtered water stations; is that

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1 right?

2 A. Yes. Yes.

3 Q. Tell me more about these  
4 filtered water stations.

5 A. To the best of my knowledge,  
6 every building has a gray type of machine  
7 where people can put their -- their cup  
8 or bottle and get water. And --

9 Q. And if -- sorry. I didn't  
10 mean to interrupt you.

11 A. Go ahead.

12 Q. Is that because they cannot  
13 drink from the sink?

14 A. From -- from the bathroom  
15 sinks?

16 Q. Or from any sink in the  
17 building.

18 A. Well, I think we -- we  
19 changed over from traditional, like,  
20 water fountains from when we were  
21 children, or when I was a child, and they  
22 moved to something that was more modern.

23 That's -- that's the best of  
24 my -- but I -- I would have to have

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1 someone else probably testify about when  
2 and the whys of switching from one thing  
3 to the next.

4 Q. You said a minute ago that  
5 you are not aware of these signs in the  
6 bathrooms because you haven't been into  
7 the student bathrooms?

8 A. I wouldn't, as a -- as a  
9 practice. Have I ever been into the  
10 student bathroom? Yes, but it would  
11 probably be somewhere within the hours  
12 that students aren't there.

13 There wouldn't be a reason  
14 for me to go into the bathrooms.

15 Q. Would it be important for  
16 you to know, as superintendent of  
17 Irvington Public Schools, whether  
18 students could drink water from -- from  
19 the sink in the bathroom or even use it  
20 to brush their teeth?

21 ATTORNEY INNES: Objection  
22 to form.

23 THE WITNESS: I think it  
24 would be important. But I think

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1           it's important, also, to say that  
2           all the reasons why someone  
3           believes someone shouldn't drink  
4           from the sink may come from their  
5           own thought process, which is to  
6           drink water from a sink in the  
7           bathroom is dirty because of what  
8           happens in a bathroom.

9           So there could be a reason  
10          or rationale -- I'm not saying  
11          that that is. But that might be a  
12          reason or rationale why someone  
13          thinks that they shouldn't drink  
14          from a bathroom sink.

15          So I'm not sure. Those  
16          are -- that would be someone from  
17          that department who could speak  
18          better about that.

19          ATTORNEY KARP: I'm handing  
20          you Tab 36. And we will mark this  
21          as Exhibit-27.

22                   - - -

23                  (Whereupon, Exhibit  
24          Irvington-April Vauss-27, No

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1 Bates, Photograph, was marked for  
2 identification.)

3 - - -

4 ATTORNEY INNES: Is this a  
5 document that was produced in the  
6 case? I didn't see a Bates, is  
7 why I asked.

8 BY ATTORNEY KARP:

9 Q. Dr. Vauss, I'll represent to  
10 you that on Tuesday when we were here for  
11 your deposition, when I went into the  
12 men's bathroom just across the hall from  
13 where we're sitting today, I took this  
14 photograph.

15 And I am showing it to you  
16 now and marking it as Exhibit-27.

17 A. Okay.

18 Q. Have you seen signs like  
19 this posted anywhere else in the  
20 building?

21 A. I would say I haven't. It  
22 doesn't mean that they don't exist.

23 Obviously, if you went into  
24 the bathroom and it had it, then it's --

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1 then it's there.

2 Q. And the sign says, Caution,  
3 with two exclamation points. And it's in  
4 a yellow background. And then it says,  
5 Do not drink the water.

6 Do you see that?

7 A. Yes.

8 Q. Any reason to doubt that  
9 this appears in the men's bathroom across  
10 the hall?

11 A. No, no reason to doubt that.

12 Q. And we are sitting in the  
13 same building as University Elementary  
14 School, correct?

15 A. Yes.

16 Q. You can put this to the  
17 side.

18 ATTORNEY KARP: I'm handing  
19 you Tab 34, which we will mark as  
20 Exhibit-28.

21 - - -

22 (Whereupon, Exhibit  
23 Irvington-April Vauss-28, No  
24 Bates, 2016-17 School Performance

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1 Report, Irvington Township, was  
2 marked for identification.)

3 - - -

4 BY ATTORNEY KARP:

5 Q. And this is a school  
6 performance report from the 2016-2017  
7 school year.

8 Do you see that?

9 A. Yes.

10 Q. And this would have been  
11 issued by the New Jersey Department of  
12 Education?

13 A. Yes.

14 ATTORNEY INNES: Before you  
15 go on, this is also a document  
16 that was not produced, this is  
17 something that you procured?

18 ATTORNEY KARP: Sure. For  
19 clarity on the record, this -- New  
20 Jersey school performance reports  
21 are publicly available.

22 BY ATTORNEY KARP:

23 Q. Correct, Dr. Vauss?

24 A. Yes.

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1 Q. I can go onto the website  
2 for the New Jersey Department of  
3 Education, and I can download --

4 A. Yes.

5 Q. -- the reports they have  
6 available?

7 A. Yes.

8 Q. This is the report that's  
9 available from -- for the school year  
10 2016-2017 for Irvington Public Schools.  
11 And I'll represent to you that we  
12 downloaded it from the website.

13 Fair?

14 A. Yes.

15 Q. Okay. Let's take a look at  
16 Page 42. And there are page numbers  
17 here, they may be slightly obscured by  
18 the staple.

19 Do you need me to start  
20 over?

21 A. I'm sorry.

22 Q. No problem at all.

23 A. You said Page 42?

24 Q. Page 42. And the page



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1 number might be obscured by the staple, I  
2 apologize, if you're looking for it.

3 Dr. Vauss, Page 42 includes  
4 some information and data regarding  
5 chronic absenteeism.

6 Do you see that?

7 A. Yes.

8 Q. And according to the table  
9 on the left, the district-wide rate of  
10 chronic absenteeism for the 2016-2017  
11 school year in Irvington Public Schools  
12 was 15.7 percent.

13 Do you see that?

14 A. Yes.

15 Q. The target rate, which  
16 reflects the state average, was 10.3.

17 Do you see that?

18 A. Yes.

19 Q. Any reason to dispute the  
20 correctness or the completeness of the  
21 data in this table?

22 A. No.

23 Q. Chronic absenteeism was a  
24 problem for Irvington Public Schools,

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1 even going back to 2016-2017, right?

2 A. Yes.

3 Q. You testified on Tuesday  
4 that social media was one of the causes  
5 of chronic absenteeism.

6 Do you remember that?

7 A. Yes.

8 Q. What is your basis for that  
9 statement?

10 A. My experience, conversations  
11 that I've had with my administrators, the  
12 amount of times that they have told us  
13 about students who tell us that they've  
14 been on their phones, looking at social  
15 media and liking and sharing, from the  
16 moment they wake up until the time that  
17 they fall asleep.

18 And that a lot of times the  
19 chronic absenteeism rate you see is  
20 mingled with tardy rate -- the tardiness  
21 rate. And when students don't get a full  
22 night's rest because they're on their  
23 phones and their parents may think that  
24 they're asleep, and they're on the social

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1 media platforms, then they don't get up  
2 on time and they -- they don't come to  
3 school, you know.

4 And that's -- is it the only  
5 cause? Maybe not. But is it a cause?  
6 And if we removed that from being a  
7 cause, then we would probably be much  
8 better off.

9 Q. You just said, is it the  
10 only cause? Maybe not. Right?

11 A. Uh-huh.

12 Q. What are other causes of  
13 chronic absenteeism?

14 A. Maybe -- let me think about  
15 it.

16 Maybe they don't like --  
17 maybe certain students don't like school.  
18 Maybe they don't feel confident about  
19 school, and so they avoid it.

20 There are probably other  
21 factors. But what I've experienced, and  
22 I can only speak in this -- this -- you  
23 know, my experience, is that when we look  
24 at certain sectors of our students, they

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1 are inundated with social media as a part  
2 of their life. And if they are on a  
3 platform from sunup to sundown, then that  
4 is a big contributing factor.

5 And I would say that some --  
6 some of the effects of it are not direct.  
7 Some are the conflicts and the issues  
8 that our scholars have with other  
9 scholars, but it generated from something  
10 that was placed on a social media  
11 platform and people were liking it and  
12 sharing it and it comes into the school  
13 and it starts a whole avalanche of  
14 issues.

15 Q. You said that students were  
16 on social media from sunup to sundown,  
17 right?

18 A. Metaphorically.

19 Q. Are you tracking or able to  
20 track how much time students are spending  
21 on social media outside of school?

22 A. No.

23 ATTORNEY INNES: Objection  
24 to form.

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1 THE WITNESS: Sorry.

2 No. But, you know, I know  
3 that you all can. And if you  
4 even -- with some of those fight  
5 sites that we asked you all to  
6 take down, if you could take those  
7 down, and others like them, and  
8 kind of prohibit our scholars from  
9 being able to do that, it would  
10 definitely make our lives a lot  
11 easier. And we could really hone  
12 in on -- on some of the things  
13 that are causing our numbers to  
14 be -- well, I don't think our  
15 numbers would be even as high as  
16 they were in 2016.

17 BY ATTORNEY KARP:

18 Q. And I just want to  
19 understand the basis for your statement  
20 that the students are on their phones  
21 from sunup to sundown.

22 So your answer to my  
23 question about do you track how much time  
24 students are spending on social media

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1 outside of school was no?

2 A. Not on a platform.

3 But from the conversations  
4 that some of our -- my staff have with  
5 the scholars, what the administration  
6 observes, the things that are shared with  
7 them, I would say that they would -- they  
8 would say, I pick up my phone when I get  
9 up first thing in the morning and I kind  
10 of just fall asleep, right. And they  
11 fall asleep with, you know, having been  
12 on a site and they just kind of zonk out.

13 So that's what I mean. But  
14 I don't mean that we literally have a  
15 tool to track the time that they are on  
16 it or not.

17 Q. Sitting here today, you  
18 don't know whether students are on their  
19 cell phones for two hours, four hours or  
20 six hours, or some other amount of time,  
21 when they're not in school, correct?

22 ATTORNEY INNES: Objection  
23 to form.

24 THE WITNESS: No, I wouldn't

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1 know with 100 percent accuracy.

2 BY ATTORNEY KARP:

3 Q. Do you know how much -- do  
4 you know with any accuracy?

5 ATTORNEY INNES: Objection  
6 to form.

7 THE WITNESS: I would just  
8 say experience, the conversations,  
9 the things that they share.

10 Normally, children -- I  
11 mean, I don't think that they  
12 would make up that, I'm on my  
13 phone all the time. I mean, that  
14 doesn't make them look -- give  
15 them -- you know, make them look  
16 positive or shows them in the best  
17 light.

18 BY ATTORNEY KARP:

19 Q. Students also play video  
20 games on their cell phones, correct?

21 A. I believe so.

22 Q. Do you know how much time  
23 they're spending playing video games on  
24 their phones outside of school?

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1 A. I have no idea.

2 Q. Do you know how much time  
3 any Irvington Public School student is  
4 spending on a particular social media  
5 platform outside of school?

6 A. No.

7 Q. Do you know anything about  
8 how -- strike that.

9 Sitting here today, do you  
10 know anything about how students are  
11 using social media outside of the  
12 classroom, outside of school?

13 A. Yes.

14 Q. And what do you know, sorry?

15 A. They are -- they are  
16 creating fight pages on Instagram. They  
17 are posting and sharing and liking fights  
18 and other things that are negative.

19 Maybe they're using it in a  
20 positive light as well. Maybe they're on  
21 there and -- but I think that the -- the  
22 thing that, you know, that troubles me is  
23 that it's -- it's the constant use -- if  
24 we even don't look at outside of school,



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1 but from the moment that they walk in the  
2 building until the time they leave, from  
3 what my staff tells me -- and I don't  
4 have a reason to believe that they would  
5 make it up -- is that it's a constant.  
6 And it's not in a way that is enhancing  
7 them.

8 That I am aware of.

9 Q. You said that they may be  
10 posting on social media when they're  
11 outside of school?

12 A. Yes. Yes, they are.

13 Q. You said they may be using  
14 it for good or positive purposes?

15 A. There's -- there are  
16 positive -- there are positive, I think.  
17 But -- there's positive and there's  
18 negative.

19 It's like if I do something  
20 that is stopping me from doing my job,  
21 right, it's not necessarily that it's a  
22 bad thing, it's just the time in which  
23 I'm doing it is distracting me from what  
24 my main purpose may be.

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1 And for our scholars, they  
2 need direction and they need to be able  
3 to stay on task while they're in school.

4 I mean, you showed me data  
5 that is less than stellar. And for our  
6 students to be on social media platforms  
7 liking and sharing, even good -- if you  
8 want to say good content, and doing that,  
9 that is not helping our students improve  
10 in their academics.

11 Q. So you believe that students  
12 are using social media -- that some  
13 students are using social media for good  
14 or positive ways outside of school?

15 A. I think that's a logical  
16 conclusion to come to. Just like the  
17 other is a logical conclusion.

18 Q. You said that a lot of your  
19 belief that students are using social  
20 media a lot outside of school is coming  
21 from conversations you've had with  
22 administrators and staff, correct?

23 A. Yes.

24 Q. Who are those individuals?

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1           A.       Well, my principals. They  
2   say, you know -- this may be, like, you  
3   know, just if they're reporting a  
4   situation, and they're like, Doc, they're  
5   on these phones all the time and they  
6   are -- the moment something happens,  
7   they're breaking out their phones to tape  
8   and then to share on these platforms,  
9   what -- instead of, maybe, them stopping  
10  a fight or stopping a disagreement,  
11  they're taking it out to be able to post  
12  and become Instagram famous, or whatever  
13  famous, whatever the vernacular is.

14           Q.       Is anyone at Irvington  
15  Public Schools Instagram famous?

16           A.       You mean like a student or  
17  adults or --

18           Q.       You just -- I don't mean to  
19  cut you off. Sorry.

20           A.       No, I'm sorry. Go -- you  
21  can ask your question again, please.

22           Q.       Well, you just -- you just  
23  mentioned that students are trying to get  
24  Instagram famous.

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1                   And I'm wondering if any of  
2                   them are Instagram famous?

3                   A.           Famous with me, in my  
4                   circle, probably not, no. I wouldn't --  
5                   I wouldn't know anyone who is Instagram  
6                   famous. No, I wouldn't know.

7                   Q.           You said that principals  
8                   were a source of information for the fact  
9                   that students were using social media,  
10                  correct?

11                  A.           Uh-huh. Yes.

12                  Q.           Who else are you -- have you  
13                  discussed this with?

14                  A.           Well, their staff speak to  
15                  them as well, and then they relay that to  
16                  me. So, you know -- or if someone sees  
17                  me -- if I'm at a -- you know, a wellness  
18                  fair and maybe something may have  
19                  happened in their school and they may,  
20                  you know, bring it up -- I mean, I can't  
21                  cite actual, I had a conversation with  
22                  this person about social media on this  
23                  date or that date necessarily.

24                               But it -- these are, you

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1 know, things that they talk about.

2 Q. So principals are talking to  
3 their staff, and that information kind of  
4 funnels up to you; is that how it occurs?

5 A. At times, yes.

6 Q. Where are these  
7 conversations or discussions  
8 memorialized? Where are they written  
9 down?

10 ATTORNEY INNES: Objection  
11 to form. Lack of foundation.

12 THE WITNESS: Should I  
13 answer?

14 ATTORNEY INNES: Yes.

15 THE WITNESS: Oh, sorry.

16 They wouldn't necessarily be  
17 written down.

18 BY ATTORNEY KARP:

19 Q. These would be oral  
20 conversations, maybe seeing someone in  
21 the hallway or talking to them on the  
22 phone?

23 A. Yes.

24 Q. Okay. Would they be in any

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1 kind of reports that you receive from  
2 your -- from your principals or staff?

3 ATTORNEY INNES: Objection  
4 to the form. Asked and answered.

5 THE WITNESS: They could --  
6 if there's an incident report or  
7 if there is something that  
8 happened, it could possibly be in  
9 there.

10 BY ATTORNEY KARP:

11 Q. So some type of disciplinary  
12 incident report could refer to social  
13 media; is that what you're saying?

14 A. I don't know that they would  
15 necessarily say it. They might say --  
16 let's -- I'm just giving out an example.

17 They might say, Andrew got  
18 into a fight with Mike and -- and the  
19 scholars around them decided to tape or  
20 place it on a platform. Or they might  
21 say, they didn't try to stop, they  
22 just -- they just filmed the fight.

23 They may not necessarily  
24 mention social media in the write-up.

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1 Q. Other than these incident  
2 reports, is there any other written form  
3 that you can think of where your  
4 discussions with administrators would be?

5 A. Not that I can recall.

6 Q. Do any -- have any of the  
7 reports you've gotten from your  
8 administrators or staff said to you,  
9 every student at Irvington Public Schools  
10 is on social media every minute of every  
11 day?

12 A. No.

13 Q. You said earlier that social  
14 media was a big contributing factor to  
15 chronic absenteeism.

16 Do you remember that?

17 A. Yes.

18 ATTORNEY INNES: Objection  
19 to form. Misstates the prior  
20 testimony.

21 You can answer.

22 THE WITNESS: Yes.

23 BY ATTORNEY KARP:

24 Q. What is your source for

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1 saying it is -- that it is a big  
2 contributing factor?

3 A. As I said before,  
4 conversations that I have with my  
5 administrators.

6 Q. Have you read any studies to  
7 confirm that -- to confirm your belief  
8 that social media is a big contributing  
9 factor to chronic absenteeism?

10 A. No.

11 Q. Have you conducted any of  
12 your own research on the issue to confirm  
13 your belief that social media is a big  
14 contributing factor to chronic  
15 absenteeism?

16 A. No.

17 ATTORNEY INNES: Objection  
18 to form. Vague.

19 BY ATTORNEY KARP:

20 Q. Have you looked at any  
21 information that has -- has been made  
22 available about chronic absenteeism by  
23 the U.S. Department of Education?

24 A. Not by the U.S. Department



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1 of Education. We have periodicals, and  
2 they may talk about different things  
3 that -- as it relates to school avoidance  
4 or chronic absenteeism.

5 But nothing that actually  
6 just sticks out in my head that I can  
7 make reference to.

8 Q. Okay. I think you're  
9 answering my next question.

10 But are there specific  
11 periodicals you rely on for your belief  
12 that social media is a big contributing  
13 factor to chronic absenteeism?

14 A. So I guess that's a no.  
15 But -- but have I read different  
16 periodicals and articles? Yes, in the  
17 past.

18 You know, but -- it wasn't  
19 necessarily about social media, but it  
20 was about the issue of school avoidance.

21 Q. And what -- what was  
22 discussed in those articles?

23 A. I can't recall right now. I  
24 mean, I'm just speaking over time.

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1 I thought you meant just in  
2 general, in life, yes, I have.

3 Q. So your recollection of  
4 those articles that relate to the issue  
5 of chronic absenteeism or school  
6 avoidance is that they don't refer to  
7 social media but they discuss those  
8 issues more generally?

9 A. They're not -- it's not  
10 limited to social media. But it could  
11 have mentioned social media as a  
12 contributing factor.

13 Q. It could have mentioned or  
14 you remember that they specifically did  
15 mention social media?

16 A. I can't say I specifically  
17 remember all the issues that were listed.

18 ATTORNEY KARP: Can we pull  
19 up Tab 37?

20 And I apologize, I don't  
21 have a printed copy of this. So  
22 if at any point you want to take  
23 control of the document or you  
24 need the trial tech to scroll down

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1 or anywhere else on the page,  
2 please let me know.

3 We'll mark this as  
4 Exhibit-29.

5 - - -

6 (Whereupon, Exhibit  
7 Irvington-April Vauss-29, No  
8 Bates, Chronic Absenteeism,  
9 Supporting Student Attendance and  
10 Combatting Chronic Absenteesim in  
11 Our Nation's Schools, was marked  
12 for identification.)

13 - - -

14 ATTORNEY INNES: Doctor, if  
15 you're not familiar with this  
16 document, you have full ability to  
17 read the entire document, if you'd  
18 like.

19 He doesn't have a copy of  
20 it. But if you'd like to read  
21 this document, we can, I guess,  
22 scroll through on the page or we  
23 can go off the record and print  
24 copies for everyone.

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1 It's up to you.

2 ATTORNEY KARP: I'm fine  
3 either way, as long as you're  
4 comfortable with --

5 THE WITNESS: I would want  
6 to read it and process it, yes.

7 ATTORNEY KARP: Sure.  
8 Before we do that, let me just  
9 introduce it and explain what it  
10 is.

11 BY ATTORNEY KARP:

12 Q. Dr. Vauss, this is a page on  
13 the website for the U.S. Department of  
14 Education.

15 Do you see that?

16 A. Yes.

17 Q. And this page is called,  
18 Chronic Absenteeism.

19 And we are visiting this  
20 page on May 9th, 2025. That's today,  
21 correct?

22 A. Yes.

23 Q. If you want to scroll  
24 through or if you want to take a break

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1 for us to print, let us know which one  
2 you prefer.

3 ATTORNEY INNES: Want to  
4 scroll through?

5 THE WITNESS: I mean, I can.  
6 It doesn't -- doesn't --

7 Okay. I'm ready for the  
8 next page.

9 Okay. Okay. Okay.

10 ATTORNEY INNES: The version  
11 on my screen is cut off on a few  
12 of these. The middle of the  
13 Page 9 -- 5 of 9, percentage on  
14 the right is cut off.

15 ATTORNEY KARP: Is that in  
16 the file itself?

17 ATTORNEY INNES: So, I mean,  
18 I'll just make a statement about  
19 the exhibit in general. And I  
20 don't have the protocol in front  
21 of me, but if it doesn't have it  
22 in the next one we do, we'll have  
23 it.

24 To the extent we're going to

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1 show witnesses documents,  
2 especially multi-page documents,  
3 documents that haven't been  
4 produced in the case, going  
5 forward we would ask that you  
6 provide printed copies to all  
7 counsel.

8 ATTORNEY KARP: I  
9 understand.

10 ATTORNEY INNES: And for the  
11 witness.

12 THE WITNESS: You can  
13 change. Okay.

14 ATTORNEY INNES: Are these  
15 links live, to the extent we  
16 want --

17 ATTORNEY KARP: They are.  
18 And we are sending the link to the  
19 trial tech in case that resolves  
20 the completeness issue.

21 ATTORNEY INNES: The  
22 actual -- are these hyperlinks in  
23 the text or are those --

24 ATTORNEY KARP: Like, what

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1 would happen if we clicked the  
2 PDF?

3 ATTORNEY INNES: For  
4 instance, if Dr. Vauss wants to  
5 look at the underlying articles.

6 ATTORNEY KARP: She could.  
7 So this is the live web page with  
8 the data.

9 ATTORNEY INNES: In the  
10 avoidance -- I'm not instructing  
11 the witness to do anything. I'm  
12 just relaying it is a possibility.

13 To the extent there's  
14 anything on this, we're now on the  
15 worldwide web as an exhibit, to  
16 the extent you need to click  
17 through any of these links, you're  
18 free to do so.

19 ATTORNEY KARP: For clarity,  
20 the exhibit is this specific web  
21 page, not the entire Internet.  
22 That would be challenging to mark,  
23 for sure, and get into the record.

24 ATTORNEY INNES: There's a

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1 way to do this.

2 BY ATTORNEY KARP:

3 Q. Dr. Vauss, have you had a  
4 chance to at least read through this  
5 particular page --

6 A. Yes.

7 Q. -- on chronic absenteeism?

8 A. Yes.

9 Q. And is this your first time  
10 seeing this web page?

11 A. Yes.

12 Q. Let's look at the top of the  
13 page.

14 There's a sentence just  
15 above the geography heading that says,  
16 Though chronic absence derives from  
17 multiple, often interconnected factors,  
18 research points to student disengagement,  
19 lack of access to student and family  
20 supports, and student and family health  
21 challenges as significant drivers.

22 Do you see that?

23 A. Yes.

24 Q. The department is calling on



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1 states and districts to address these  
2 factors and send a clear message that  
3 students need to be in school.

4 Do you see that?

5 A. Uh-huh.

6 Q. Social media is not listed  
7 by the Department of Education as one of  
8 these -- one of these -- one of these  
9 factors that leads to chronic  
10 absenteeism, correct?

11 A. That is correct.

12 Q. And if we scroll down in the  
13 page to who is impacted, the Department  
14 of Education states that, Disparities in  
15 chronic absenteeism by key demographic  
16 characteristics are evident, though  
17 unacceptable levels of chronic  
18 absenteeism exist for all students.

19 Do you see that?

20 A. Yes.

21 Q. And then below we have data  
22 about how different -- students of  
23 different races and ethnicities and other  
24 characteristics differ in terms of their

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1 chronic absenteeism, correct?

2 A. Yes.

3 Q. Okay. And the first bar  
4 graph here says, While prevalent across  
5 the country, students of different races  
6 and ethnicities experience chronic  
7 absenteeism at different rates.

8 Do you see that?

9 A. Yes.

10 Q. Do you have any reason to  
11 believe that certain -- students of  
12 certain races or ethnicities use social  
13 media more than others?

14 ATTORNEY INNES: Objection  
15 to the form.

16 THE WITNESS: I guess my --  
17 I don't. I just -- when we --  
18 when I read studies like this,  
19 I'm -- you know, I'm always left  
20 with the question, who did you  
21 speak to to generate this  
22 information?

23 I'm not saying that -- that,  
24 in and of itself, that this data

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1 is wrong. But at the same time,  
2 being someone who has worked with  
3 data in the past, I just know, you  
4 know -- let's say if I prepare for  
5 a dissertation, I'm collecting  
6 data. Yes, I'm looking at data  
7 that may contradict what my  
8 assertion may be, but I'm also  
9 looking at things that support it.

10 I'm not sure that all the  
11 people who are listed here in the  
12 different demographics were  
13 represented in coming up with the  
14 causations of chronic absenteeism,  
15 especially as it relates to the  
16 given year. That's my concern.

17 But, you know, I wasn't a  
18 part of this study. And I'm not  
19 trying to debunk it.

20 But I'm just -- I always  
21 have questions. I'm a person that  
22 will ask questions.

23 ATTORNEY INNES: Andrew,  
24 before you ask your next question,

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1 is it possible to drop the  
2 hyperlink into the chat so folks  
3 online can have it?

4 ATTORNEY KARP: I don't have  
5 access to the Zoom myself right  
6 now. I'm not logged in. If  
7 someone can drop that in, that  
8 would be appreciated.

9 ATTORNEY INNES: Thank you.

10 BY ATTORNEY KARP:

11 Q. Dr. Vauss, just to make sure  
12 I got the answer to my question.

13 You don't have a reason to  
14 believe that students of different races  
15 or ethnicities use social media more than  
16 others, correct?

17 A. I don't.

18 Q. The next bar graph says,  
19 Students with disabilities are 36 percent  
20 more likely to experience chronic  
21 absenteeism than students without  
22 disabilities.

23 Do you see that?

24 A. Yes.

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1 Q. What percentage of students  
2 at Irvington Public Schools, this school  
3 year -- or strike that.

4 What percentage -- do you  
5 know what percentage of students at  
6 Irvington Public Schools were designated  
7 as students with disabilities in the  
8 2023-2024 school year?

9 A. Students -- let me just  
10 clarify.

11 So students who are  
12 identified by our special services  
13 department?

14 Q. Let me ask the question  
15 again, because I might have asked a bad  
16 one or an awkward one.

17 Do you know what percentage  
18 of Irvington Public School students were  
19 designated as students with disabilities  
20 in the 2023-2024 school year?

21 A. I couldn't give you a  
22 percentage for -- with that particular  
23 question. No, I can't.

24 Q. Do you know historically, in

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1 the last ten years, what that number  
2 would be?

3 ATTORNEY INNES: Objection  
4 to form.

5 THE WITNESS: It would --  
6 calls for me to guess. I'm not  
7 sure if their -- I'm going to --  
8 I'm going to venture a guess in  
9 that I believe that the children  
10 being identified as children with  
11 disabilities are students who  
12 avail themselves of our special  
13 services department. And that  
14 percentage is around 17 percent, I  
15 believe.

16 BY ATTORNEY KARP:

17 Q. That information would be  
18 contained in the New Jersey school  
19 performance reports, correct?

20 A. Yes, yes.

21 Q. Okay. The Department of  
22 Education also says, English learners are  
23 20 percent more likely to experience  
24 chronic absenteeism compared to

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1 non-English learners.

2 Do you see that?

3 A. Yes.

4 Q. And we've discussed that the  
5 percentage of English language learners,  
6 or ELL students, sometimes referred to as  
7 multilingual learners, has increased in  
8 Irvington over the past several years,  
9 correct?

10 A. Yes.

11 Q. Do you have any basis or  
12 reason to doubt the analysis that has  
13 been put forward by the Department of  
14 Education on this particular web page?

15 A. As it relates --

16 ATTORNEY INNES: Objection  
17 to form.

18 THE WITNESS: Sorry.

19 As it relates to Irvington  
20 Public Schools or just as it  
21 relates to their study?

22 BY ATTORNEY KARP:

23 Q. As it relates to their  
24 analysis.

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1 A. No. No, I don't.

2 Q. Do you believe that their  
3 analysis does not apply to Irvington  
4 Public Schools?

5 A. I think that there are  
6 elements, I'm sure, that do. But they  
7 didn't study specifically Irvington  
8 Public Schools.

9 So I don't know that I could  
10 say that this is apples and apples. Nor  
11 would I necessarily say apples and  
12 oranges. But I wouldn't say that this is  
13 entirely true of Irvington Public  
14 School's problem with school avoidance.

15 Q. The data that they collected  
16 is at a national level, correct?

17 ATTORNEY INNES: Objection  
18 to form.

19 THE WITNESS: I'm sorry?

20 BY ATTORNEY KARP:

21 Q. The data that they collected  
22 was at a national level?

23 A. It was at a national level.

24 Q. I didn't mean to interrupt



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1 you. Sorry.

2 A. Sorry. Yes. Yes.

3 Q. There's a map on this web  
4 page with all 50 states and data for  
5 each?

6 A. I saw, yes.

7 Q. We can take down this  
8 exhibit. I'm about to shift to another  
9 topic, Dr. Vauss, do you need a break?  
10 Are you okay?

11 A. I'm fine.

12 Q. Dr. Vauss, when we met on  
13 Tuesday, you referred to an incident  
14 involving an Irvington Public Schools  
15 student who went missing and was found in  
16 Brooklyn sometime after she went missing.

17 Do you remember that?

18 A. I remember saying a student  
19 went missing. I don't recall saying that  
20 a student was found in Brooklyn.

21 Did I say -- did I say this  
22 child was found in Brooklyn?

23 Q. You testified that she was  
24 located.

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1           A.       I know she was -- that could  
2     have been. Then that's -- if I said  
3     that, then that's what it was.

4           Q.       You mentioned that that  
5     incident made national news?

6           A.       Yes.

7           Q.       Okay. Do you recall what  
8     that student's name was?

9           A.       I do --

10           ATTORNEY INNES: Objection  
11     to form. You do not need to  
12     answer that -- well, sorry.

13           I'll caution you not to  
14     disclose the student's name, if  
15     you know it.

16           ATTORNEY KARP: Are you  
17     instructing her not to give the  
18     name of the student if she knows  
19     it?

20           ATTORNEY INNES: Yes.

21           ATTORNEY HENRY: On what  
22     basis?

23           ATTORNEY KARP: Is that a  
24     privilege objection?

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1                   ATTORNEY INNES: I mean,  
2                   we've had this discussion multiple  
3                   times. We're not talking about  
4                   individual students. You can get  
5                   there a different way.

6                   ATTORNEY KARP: She  
7                   testified that --

8                   ATTORNEY INNES: You can get  
9                   there a different way.

10                  ATTORNEY KARP: Sorry.  
11                  Dr. Vauss testified that this  
12                  incident made national news.

13       BY ATTORNEY KARP:

14                  Q. Do you recall that?

15                  A. Uh-huh.

16                  ATTORNEY KARP: Certainly  
17                  the individual's name would have  
18                  been in the national news media.

19                  ATTORNEY INNES: Are you  
20                  asking me or are you asking the  
21                  witness?

22                  ATTORNEY KARP: I'm  
23                  establishing the basis for asking  
24                  why it's not an issue.

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1 I would certainly --

2 ATTORNEY INNES: That's why  
3 I said you can do it -- there's  
4 foundation issues, right. I've  
5 let you go a long way on lack of  
6 foundation, for the past two days,  
7 right.

8 So you can ask it the way  
9 you want to ask it. And I'll  
10 object the way I object.

11 ATTORNEY KARP: Okay. But  
12 you didn't object, you instructed  
13 her not to answer.

14 So I just wanted to --

15 ATTORNEY INNES: Based on  
16 your question, yes, she should not  
17 answer that question.

18 ATTORNEY KARP: Can I have  
19 Tab 30, please? I'll mark this as  
20 Exhibit-30.

21 - - -

22 (Whereupon, Exhibit  
23 Irvington-April Vauss-30, No  
24 Bates, New Video: Jashyah Moore

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1           Seen At Deli On Day She  
2           Disappeared In East Orange, NJ,  
3           was marked for identification.)

4                               -   -   -

5       BY ATTORNEY KARP:

6           Q.       This is an article from  
7       CBSNews.com.

8                       Do you see that, Dr. Vauss?

9           A.       Yes.

10          Q.       And the name of the article  
11       is, New Video: Jashyah Moore seen at  
12       deli on day she disappeared in East  
13       Orange, New Jersey.

14                       Do you see that?

15          A.       Yes.

16          Q.       Does -- is this the student  
17       you had in mind when you testified that  
18       an Irvington Public School student had  
19       gone missing and was found in Brooklyn  
20       sometime thereafter?

21          A.       I believe this is her. I  
22       didn't remember her name.

23          Q.       Have you read this article  
24       before?

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1           A.       I have not read this article  
2 before.

3           Q.       CBS News is national media?

4           A.       Yes.

5           Q.       This took place in November  
6 of 2021.

7                    Do you see that?

8           A.       Uh-huh.

9           Q.       This article was published  
10 on November 11th, 2021.

11          A.       Uh-huh.

12          Q.       And just to confirm, you  
13 said you believe this is the student you  
14 had in mind?

15          A.       I believe -- yes. I didn't  
16 see this article. I did see that there  
17 was a student missing from East Orange on  
18 television. And -- yes.

19          Q.       And you believe her to be a  
20 student of Irvington Public Schools?

21          A.       She was a student.

22          Q.       At the time?

23          A.       At the time.

24                    She had not -- she had not

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1 fully transferred into East Orange.  
2 That's how I became involved in the  
3 situation. Because the last school of  
4 record for her was Irvington Public  
5 Schools.

6 As I said the other day, the  
7 process is for us to be given a name of a  
8 school in East -- or wherever they're  
9 being transferred to, in this case, it  
10 was East Orange, she was given -- her  
11 parents produced an East Orange address  
12 of a school where she was going to be  
13 transferred.

14 She wasn't fully  
15 transferred. So the last school of  
16 record for her was Irvington Public  
17 Schools.

18 Q. I recall your testimony on  
19 that. Thank you.

20 Briefly, let's -- let's turn  
21 to Page 4 of this article. In the middle  
22 of the page, they report, Stevens also  
23 said investigators are launching a social  
24 media campaign to ask the public for help

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1 in the case.

2 Do you see that?

3 A. Yes.

4 Q. Investigators were using  
5 social media to help --

6 A. Yes.

7 Q. -- solve this case?

8 A. Yes. Absolutely.

9 Q. When we first spoke about  
10 this incident, you attributed Ms. Moore's  
11 disappearance to social media.

12 Do you recall that?

13 A. Yes. As it relates to her  
14 being bullied and things being shared  
15 online, even to her, her life, and shared  
16 with other students.

17 Q. Did you see any of those  
18 posts?

19 A. I did not. I did not.

20 Q. Did you see any of the  
21 comments?

22 A. I did not.

23 Q. Did you see any -- do you  
24 know, sitting here today, how many likes



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1 or reactions the posts got?

2 A. No, I don't.

3 Q. Okay. Do you know how many  
4 times the posts were shared?

5 A. No, I don't.

6 ATTORNEY INNES: Objection  
7 to form. I'll renew our request  
8 for data related to use of  
9 defendants' platforms, all  
10 defendants' platforms, in the  
11 district.

12 ATTORNEY KARP: Thank you.

13 BY ATTORNEY KARP:

14 Q. What was the content that  
15 she was -- that you testified she was  
16 being bullied about?

17 ATTORNEY INNES: Objection  
18 to form.

19 THE WITNESS: I didn't speak  
20 to her directly. But what was  
21 shared with me, as I was brought  
22 over to discuss the case --  
23 because at that point, she had not  
24 been found.

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1                   You know, I have an idea  
2                   of -- of -- now, of what happened  
3                   with the young lady. But what was  
4                   shared with me that day wasn't --  
5                   wasn't her actual post or anything  
6                   of that nature.

7       BY ATTORNEY KARP:

8               Q.       What was shared with you  
9       that day?

10               ATTORNEY INNES: Objection  
11               to form. To the extent that you  
12               can answer that question without  
13               revealing information that may or  
14               may not -- that may have been  
15               privileged, you may do so.

16               THE WITNESS: Well, let me  
17               just say, I don't know that I can  
18               share too much more than what I've  
19               shared.

20               Because it was -- the FBI  
21               was -- was who I spoke with that  
22               day. And I know that they had  
23               access to her usage. So that's  
24               all I can say.

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1 BY ATTORNEY KARP:

2 Q. So --

3 A. I mean, I don't know if  
4 that's --

5 Q. So your -- the information  
6 you got came from the FBI?

7 A. And what -- and what they  
8 viewed and -- yes. I can say part of it  
9 was from them. I can say that.

10 THE WITNESS: Can I speak to  
11 my counsel?

12 ATTORNEY INNES: You want to  
13 go off the record?

14 THE WITNESS: I would.

15 ATTORNEY KARP: Is this  
16 about -- just for privilege and to  
17 see if this is confidential or  
18 not?

19 ATTORNEY INNES: I don't  
20 know what it's about. But my  
21 witness is asking to go off the  
22 record and talk to me so --

23 VIDEO TECHNICIAN: The time  
24 right now is 11:57 a.m. We are

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1 off the record.

2 - - -

3 (Whereupon, a brief recess  
4 was taken.)

5 - - -

6 VIDEO TECHNICIAN: The time  
7 right now is 12:07 p.m. We are  
8 back on the record.

9 BY ATTORNEY KARP:

10 Q. Dr. Vauss, we took a quick  
11 break so that you could confer with your  
12 counsel.

13 A. Yes.

14 Q. Did you have an opportunity  
15 to do that?

16 A. I did.

17 Q. My question to you was  
18 related to conversations you told us you  
19 had with the FBI in connection with their  
20 investigation of this incident.

21 A. Yes.

22 Q. What do you recall the FBI  
23 shared with you as it related to their  
24 investigation of this incident?

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1           A.       So one of the things that I  
2       wanted to clarify, there was the former  
3       principal in the room as well. So  
4       that's -- that's what I wanted to -- to  
5       contribute.

6                   What they shared, they  
7       shared that she had social media activity  
8       and interactions with other scholars,  
9       friends. They did not mention,  
10      necessarily, a particular platform,  
11      and -- but just that things were -- were  
12      shared in this instance.

13           Q.       On the first day of your  
14      deposition, you mentioned Instagram as  
15      potentially being related to this -- this  
16      incident.

17                   Do you recall that?

18           A.       Yes.

19           Q.       Is it now your testimony  
20      that you do not know specifically which  
21      social media platform you believe was --  
22      was in play?

23                   ATTORNEY INNES: Objection  
24      to form. Misstates testimony.

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1 THE WITNESS: I would say  
2 that they didn't share a  
3 particular platform but that I  
4 would -- to clarify, one that  
5 would allow her to -- her  
6 information to be shared among  
7 classmates is perhaps the one that  
8 they mentioned.

9 But they didn't mention --  
10 they said social media platform  
11 activity and what was -- the  
12 activity that was -- was done.

13 But if I said Instagram, I'm  
14 correcting myself.

15 BY ATTORNEY KARP:

16 Q. Thank you.

17 A. You're welcome.

18 Q. You said that things were  
19 shared, and I'm wondering if you can give  
20 me a little more detail or specificity  
21 about what was shared with you?

22 A. That there was social media  
23 activity amongst -- with the young lady.  
24 The time period, they didn't give me a

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1 specific time -- time period, but that  
2 they were monitoring her movement to --  
3 on social media platforms to try to find  
4 her location. And these were the things  
5 that happened.

6 Q. So -- I didn't mean to  
7 interrupt you.

8 A. Go ahead.

9 Q. So the FBI was using social  
10 media to try to find her location?

11 A. I believe that's -- if I --  
12 that's how -- what I understood them to  
13 mean.

14 Q. And social -- the fact that  
15 she was even posting on social media or  
16 engaged on social media told the FBI that  
17 she was, thank goodness, still alive,  
18 right?

19 A. I think to that degree. I'm  
20 not sure -- I'm not sure exactly how they  
21 used it. But I think they looked at some  
22 of her history. I'm not entirely sure.

23 But it -- I think it did  
24 help in trying to locate her. Whether it

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1 was hers or someone connected with her  
2 or -- I'm not 100 percent sure. I just  
3 know that they observed that kind of  
4 activity.

5 I don't think that their  
6 purposes was to -- to deal with that so  
7 much as to try to locate her. I think  
8 that was the whole -- their whole  
9 purpose.

10 Q. You previously testified  
11 that this individual was being bullied on  
12 social media?

13 A. I believe that she felt  
14 bullied because things were being shared  
15 that weren't positive, yes.

16 Q. And that is part of what the  
17 FBI shared with you in that conversation?

18 A. They shared -- they shared  
19 that there was activity. And then -- I  
20 guess I should say that was my  
21 conclusion.

22 Q. Okay. So they didn't  
23 specifically --

24 A. Say she was bullied. Yes.



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1 Q. Okay. Your conclusion was  
2 that she felt bullied by what people were  
3 posting about her? That was -- that's  
4 your conclusion?

5 A. She felt uncomfortable about  
6 whatever was -- I never saw it, but that  
7 was my conclusion.

8 It could have been a wrong  
9 conclusion. But I believe that to be the  
10 conclusion -- that was my conclusion at  
11 the time.

12 ATTORNEY KARP: I'm handing  
13 you Tab 31A, which we will mark as  
14 Exhibit-31.

15 - - -

16 (Whereupon, Exhibit  
17 Irvington-April Vauss-31, No  
18 Bates, Press Release, Mother of  
19 Missing Juvenile Charged With  
20 Endangering, was marked for  
21 identification.)

22 - - -

23 BY ATTORNEY KARP:

24 Q. Let me know once you've had

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1 a chance to look it over.

2 ATTORNEY KARP: For the  
3 record, this is a news release  
4 from the office of the county  
5 prosecutor, dated November 12th,  
6 2021.

7 THE WITNESS: Uh-huh.

8 BY ATTORNEY KARP:

9 Q. Dr. Vauss, do you see that  
10 this is a news release from the office of  
11 the county prosecutor?

12 A. Yes.

13 Q. And this is dated November  
14 12th, 2021, which is the day after the  
15 CBS News article we just looked at,  
16 correct?

17 A. Yes, yes.

18 Q. And the title of this  
19 announcement is -- or of this release is,  
20 Mother of Missing Juvenile Charged With  
21 Endangering.

22 Do you see that?

23 A. Yes.

24 Q. Were you aware that this

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1 individual's mother had been charged with  
2 endangerment?

3 A. Yes. Yes.

4 Q. But your belief is that she  
5 went missing because of social media?

6 A. I believe it was a  
7 contributing factor why she avoided --  
8 when she was dealing with this, as  
9 opposed to her coming to school, which we  
10 have -- unfortunately, when we have  
11 students who are abused or neglected by  
12 their parents, they normally come to us  
13 as a safe haven. And she did not.

14 She avoided school, as well  
15 as, obviously, her mother. And when --  
16 you know, when you think about, like,  
17 well, normally students come to school  
18 and they tell us a lot of what's going  
19 on. And then to hear about that activity  
20 that was going on, I mean, I couldn't say  
21 with 100 percent that that was it.

22 Obviously, part of it -- a  
23 great deal of her running away had to do  
24 with this. But also, I believe, that she

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1 didn't come to school because, maybe, of  
2 what she felt like the students were  
3 doing to her.

4 We have -- unfortunately, we  
5 have students who are abused, and they do  
6 come to school and they share it with us.  
7 But I notice that if they feel as though  
8 they're going to be mistreated or  
9 something -- and in our instance, by  
10 other -- by their classmates or picked  
11 on, they may not want to.

12 Q. This announcement -- or,  
13 excuse me, this news release says that  
14 the endangering charges include  
15 allegations of physical abuse and also  
16 neglect.

17 A. Yes, yes.

18 Q. The office of the county  
19 prosecutor -- excuse me, the office of  
20 the county prosecutor doesn't say  
21 anything about social media --

22 A. No, they --

23 Q. -- correct?

24 A. No, they don't.

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1 Q. You told me a minute ago  
2 that you had not seen any of the posts on  
3 this young lady's social media account,  
4 correct?

5 A. Yeah, that's correct. Yes.

6 Q. And you had assumed that she  
7 was being bullied, right?

8 A. From what they were sharing,  
9 yes.

10 Q. From what the FBI was  
11 sharing?

12 A. That they said that they saw  
13 of the activity that was going on on  
14 social media.

15 But you're correct, I didn't  
16 see it.

17 Q. You said it was your  
18 conclusion that --

19 A. That was my conclusion.

20 Q. -- that she had been bullied  
21 on social media?

22 A. Yes. That was my -- that  
23 was my conclusion.

24 Q. And you never spoke to

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1 this --

2 A. No.

3 Q. -- individual?

4 A. No. You mean --

5 Q. To Ms. Moore.

6 A. Oh, to Ms. Moore? No, I've  
7 never spoken to her. I thought you meant  
8 the student.

9 Q. Do you recall speaking --

10 ATTORNEY HENRY: I think  
11 that is what he meant.

12 THE WITNESS: I'm sorry.

13 ATTORNEY KARP: I didn't  
14 hear what you said.

15 ATTORNEY HENRY: She said  
16 Ms. Moore.

17 THE WITNESS: I thought you  
18 were -- yeah, they're both  
19 Ms. Moore, sorry.

20 ATTORNEY HENRY: Right.  
21 Just make clear which one she's  
22 saying she never spoke to.

23 BY ATTORNEY KARP:

24 Q. For clarity, I apologize,

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1     you've never spoken with Ms. Moore?

2             A.       Mrs. -- the adult --

3                     ATTORNEY HENRY:   Which Ms.  
4             Moore?

5                     ATTORNEY KARP:   Now I see  
6             where the confusion is.  Thanks,  
7             everyone.  We really do need that  
8             lunch break.

9     BY ATTORNEY KARP:

10            Q.       You've never spoken to  
11     Jashyah Moore, who went missing?

12            A.       No, not to my knowledge.

13            Q.       Have you spoken to any of  
14     Jashyah Moore's friends about this  
15     incident?

16            A.       No.

17                     Remember, just as a point of  
18     clarification, when this story happened,  
19     when Jashyah -- Jashyah ran away, it was  
20     our understanding that she wasn't a  
21     student of Irvington Public Schools  
22     anymore.

23                     It wasn't until this  
24     happened that we found out that she had

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1 never been registered fully into East  
2 Orange public schools.

3 That's how I was -- I was  
4 made -- you know, I got involved with the  
5 case.

6 ATTORNEY KARP: I'm handing  
7 you Tab 32. We'll mark this as  
8 Exhibit-32.

9 - - -

10 (Whereupon, Exhibit  
11 Irvington-April Vauss-32, no  
12 Bates, Complaint-Warrant, was  
13 marked for identification.)

14 - - -

15 ATTORNEY INNES: Again, just  
16 because I don't see a Bates number  
17 on this, this is not a document  
18 that's been produced in this case;  
19 is that correct?

20 ATTORNEY KARP: That's  
21 correct. It's a publicly  
22 available document.

23 ATTORNEY INNES: Is your  
24 position that publicly available



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1 documents do not need to be  
2 produced in this case?

3 ATTORNEY KARP: No, it's not  
4 my position. But they can be used  
5 with a witness at a deposition.

6 BY ATTORNEY KARP:

7 Q. This is a criminal complaint  
8 in the case of Jashyah Moore.

9 And I'm sorry, did you say  
10 it's Jashyah Moore? I don't mean to  
11 mispronounce her name.

12 A. Oh, I don't -- I'll be  
13 honest, I don't know how to pronounce it  
14 myself. I believe it is Jashyah.

15 Q. Just briefly, Dr. Vauss,  
16 let's turn to Page 8.

17 A. There are two Page 8s. I  
18 guess they're the same thing, yes.

19 Q. That's odd. They appear to  
20 be the same.

21 ATTORNEY INNES: I think  
22 these are different documents.  
23 Maybe not.

24 BY ATTORNEY KARP:

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1 Q. Let's look at the first  
2 Page 8 so that we're literally all on the  
3 same page.

4 A. Yes.

5 Q. Dr. Vauss, there is a lot of  
6 disturbing content here. I'm not going  
7 to get into the detail on the record.

8 Have you had a chance to  
9 look at it?

10 A. Just -- what you just -- as  
11 you handed it to me. I've never seen  
12 this before today.

13 Q. I understand. Did you want  
14 to take a minute to read Page 8?

15 A. Yes.

16 Q. This is incredibly sad and  
17 terrible.

18 A. Yes.

19 Q. We can all -- we can both  
20 agree to that?

21 Is that a yes?

22 A. Oh, I'm sorry. Yes. Yes.

23 Q. Jashyah Moore alleges here  
24 that she was the victim of physical abuse

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1 at home, right?

2 A. Yes.

3 Q. She had been grabbed -- on  
4 the day she went missing, she had been  
5 grabbed by the neck and scratched and  
6 assaulted in other ways, correct?

7 A. Yeah.

8 Q. And according to this  
9 affidavit, she stated that she left and  
10 knew she could not go back home because  
11 Mom would beat her up and leave her all  
12 bruised up.

13 Do you see that?

14 A. Yes.

15 Q. We can put this to the side.

16 ATTORNEY KARP: I'm at a  
17 good stopping point if we want to  
18 take a lunch break.

19 ATTORNEY INNES: Sure.

20 THE WITNESS: That's fine.

21 VIDEO TECHNICIAN: The time  
22 right now is 12:22 p.m. We are  
23 off the record.

24 - - -

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1 (Whereupon, a luncheon  
2 recess was taken.)

3 - - -

4 VIDEO TECHNICIAN: The time  
5 right now is 1:13 p.m. We are  
6 back on the record.

7 BY ATTORNEY KARP:

8 Q. Dr. Vauss, welcome back from  
9 lunch.

10 A. Thank you.

11 Q. Before the break, we were  
12 talking a bit about the signs that I've  
13 noticed in the school where we're taking  
14 this deposition that say, Caution, do not  
15 drink the water.

16 Do you recall our --

17 A. Yes.

18 Q. -- exchanges about that?

19 During the lunch break, we  
20 noticed that that sign was in the break  
21 room where lunch was being served.

22 Were you aware that there  
23 was a sign -- that there's a sign in that  
24 room that says, Caution, do not drink the

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1 water?

2 A. I was not.

3 ATTORNEY INNES: Objection.

4 THE WITNESS: Sorry.

5 I was not, no.

6 BY ATTORNEY KARP:

7 Q. That is a break room used by  
8 members of the staff here at University  
9 Elementary School?

10 A. Yes.

11 Q. Do you spend time in that  
12 room?

13 A. No.

14 Q. You never go into that room  
15 for refreshments or to have your lunch or  
16 anything like that?

17 ATTORNEY INNES: Asked and  
18 answered.

19 THE WITNESS: No.

20 ATTORNEY KARP: Can I have  
21 Tab 38, please.

22 We will mark this as the  
23 next exhibit, which I believe is  
24 Exhibit-33.

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1 - - -

2 (Whereupon, Exhibit  
3 Irvington-April Vauss-33, No  
4 Bates, Photograph, was marked for  
5 identification.)

6 - - -

7 BY ATTORNEY KARP:

8 Q. Dr. Vauss, I'll represent  
9 that this is a photo that we took of the  
10 sign in the break room for this building.

11 ATTORNEY INNES: Counsel,  
12 I'm going to object to the  
13 introduction of any of these as  
14 exhibits.

15 I let you go a little bit by  
16 taking -- walking around campus  
17 and taking pictures. You didn't  
18 ask to walk around or disclose  
19 that you were going to be taking  
20 pictures of our facilities, right.

21 I think there's a better way  
22 to do this, a proper way to do  
23 this. And the way you've done it  
24 is improper.

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1 ATTORNEY KARP: Your  
2 objection is noted.

3 BY ATTORNEY KARP:

4 Q. Dr. Vauss, do you see the  
5 sign that's on the screen?

6 A. Yes.

7 Q. Do you have any reason to  
8 doubt that this is a photo that was taken  
9 in the break room?

10 A. No.

11 ATTORNEY KARP: We can take  
12 this down.

13 BY ATTORNEY KARP:

14 Q. Dr. Vauss, do you have any  
15 social media accounts that you use in  
16 your personal life?

17 A. Yes.

18 Q. What accounts do you have?

19 A. I have Facebook, Instagram,  
20 YouTube and TikTok. I have -- and I have  
21 an X account, Twitter, formerly known as  
22 Twitter.

23 Q. And you do not have --  
24 sorry.

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1           A.       Trying to remember in my  
2 head.

3           Q.       You do not have a Snapchat  
4 account?

5           A.       I do not.

6           Q.       When did you create your  
7 Facebook account?

8           A.       I believe 2009.

9           Q.       And you still use it today?

10          A.       Yes.

11          Q.       Approximately how many times  
12 a week do you use Facebook?

13          A.       Probably more than I can  
14 count.

15          Q.       Do you post to Facebook?

16          A.       I do.

17                   ATTORNEY INNES: Objection.

18                   THE WITNESS: I do, yes.

19 BY ATTORNEY KARP:

20          Q.       Can you generally describe  
21 the ways in which you use Facebook?

22          A.       I use Facebook to wish  
23 people happy birthday, good job, like  
24 things that I think are positive or are



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1 something, you know, that I see that's  
2 interesting.

3 Q. Do you use Facebook any less  
4 now than you did in 2009 when you created  
5 the account?

6 ATTORNEY INNES: Objection  
7 to form.

8 THE WITNESS: I'm not sure.

9 BY ATTORNEY KARP:

10 Q. Do you think that you use it  
11 more today than you used it in 2009?

12 A. I don't think I could give  
13 you a correct answer. So I can't say. I  
14 would say I can't say. That would be my  
15 answer.

16 Q. And I'm not trying to put  
17 words in your mouth.

18 Do you think that it's  
19 about -- that your use has been about the  
20 same over the years?

21 ATTORNEY INNES: Objection.

22 Asked and answered.

23 THE WITNESS: I think that's  
24 possible. But I'm not sure, to be

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1 honest.

2 BY ATTORNEY KARP:

3 Q. When did you create your  
4 Instagram account?

5 A. That, I'm not sure. I know  
6 it was after Facebook.

7 Q. So we know it was after  
8 2009?

9 A. Yes.

10 Q. Using the pandemic as a  
11 reference point, do you remember if it  
12 was before or after the pandemic?

13 A. I'm not sure. I believe so,  
14 though. I'm pretty sure.

15 Q. Which one, before or after?

16 A. Before. That it was before  
17 2020, March 2020.

18 Q. How often do you -- today,  
19 how often do you use Instagram?

20 A. I couldn't give you a  
21 number. I may look at an image every  
22 day. I'm not sure.

23 Q. Can you generally describe  
24 how you use Instagram today?

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1           A.       I would use Instagram maybe  
2     to post -- maybe post -- I think it's  
3     kind of linked with Facebook, so I  
4     wouldn't necessarily post to Instagram.

5                   I might like or share  
6     something, a content. That's about it.

7           Q.       Do you use Instagram more,  
8     less, or about the same as you did when  
9     you created your account?

10                  ATTORNEY INNES:   Objection  
11     to form.

12                  THE WITNESS:   Can you give  
13     me the choices again?

14     BY ATTORNEY KARP:

15           Q.       Sure. It's a  
16     multiple-choice question.

17                  Today, do you use Instagram  
18     more, less, or about the same as you did  
19     when you created the account?

20                  ATTORNEY INNES:   Same  
21     objection.

22                  THE WITNESS:   I would say  
23     probably more. I mean, I -- than  
24     when I first created it? So maybe

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1           the same. Because I can't give  
2           you a date as to when I started  
3           it, so I don't -- I don't know.

4 BY ATTORNEY KARP:

5           Q.       So you use Instagram --  
6           today you use Instagram more or the same  
7           as you did -- sorry, let me -- let me  
8           rephrase that. Strike that.

9                    Today you use Instagram more  
10          often or the same amount as you did when  
11          you created the account?

12          A.       You want me to guess? I  
13          just --

14          Q.       I do not want you to guess.

15          A.       Oh, okay. So I cannot say  
16          if it's more or less.

17          Q.       You said that you had a  
18          YouTube account?

19          A.       A what?

20          Q.       You said that you have a  
21          YouTube account?

22          A.       Yes, I do. I do.

23          Q.       When did you create that?

24          A.       I'm not sure of the exact

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1 date.

2 Q. Can you approximate?

3 A. Maybe within the last -- I  
4 want to say the last five years, within  
5 the last five years.

6 Q. Prior to creating a YouTube  
7 account, did you use YouTube in any way?

8 A. Yes.

9 Q. For how long or for how many  
10 years have you been using YouTube?

11 A. That, I couldn't give you.  
12 I couldn't venture a guess.

13 Q. How do you use YouTube  
14 today?

15 A. I watch a lot of content. I  
16 use it to -- to read different articles,  
17 text. I -- personally, that's -- that's  
18 how I use it.

19 Q. Do you post anything to your  
20 YouTube account?

21 A. I don't post to my own  
22 YouTube account, no.

23 Q. Approximately how often are  
24 you using YouTube?

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1 A. Probably daily.

2 Q. And that is to watch  
3 content, read articles, and read text?

4 A. Generally. I mean, you  
5 could probably see that I'm -- may have  
6 done something else, I'm not sure.

7 But those are the things  
8 that I know that I do on a daily basis.

9 Q. You said you have a TikTok  
10 account?

11 A. Yes.

12 Q. When did you create that?

13 A. That is probably within the  
14 last year or two.

15 Q. So you believe you created  
16 your TikTok account in 2023 or 2024?

17 A. I think that would be  
18 accurate.

19 Q. Why did you create a TikTok  
20 account?

21 A. Honestly speaking, so that I  
22 could view TikToks that were sent to me.  
23 And I believe there was a thing where you  
24 had to have a TikTok account to be able

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1 to see TikToks being sent to you.

2 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 Q. Have you ever posted to

7 TikTok?

8 A. No.

9 Q. Today how often do you use

10 TikTok?

11 A. Sporadically.

12 Q. Could you approximate

13 roughly -- or strike that.

14 Can you approximate how many

15 times per week you use TikTok?

16 A. I couldn't approximate.

17 Maybe two or three times. That's --

18 looking at a video that's sent to me, if

19 that's the usage part, yes, that would be

20 a good estimation.

21 Q. Have you participated in any

22 TikTok challenges?

23 A. No.

24 Q. I neglected to ask some of

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1 these questions earlier.

2 Why did you create your  
3 Facebook account?

4 A. Just I had heard about this  
5 social media page, people I knew, family  
6 had -- had joined it. And I decided to.

7 Q. Why did you create your  
8 Instagram account?

9 A. For similar reasons.

10 Q. Why did you create your  
11 YouTube account?

12 A. Probably similar reasons.

13 Q. Okay. You said that you  
14 also have X, formerly known as Twitter?

15 A. Yes.

16 Q. When did you create that  
17 account?

18 A. That, I'm not sure. It's  
19 been a while.

20 Q. Without getting into much  
21 detail, how often do you use X today?

22 A. Very rarely.

23 Q. Dr. Vauss --

24 A. May -- may I ask a question?



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1 Just for clarification.

2	0.	Sure.
---	----	-------

3           A.       When you say "use," you mean  
4   if we get a hit at -- you know, a  
5   headline and it came from X, would that  
6   be considered, in your mind, as using it,  
7   if I go to the site to look at it?

8 Q. Thank you for clarifying.

9                               If you were to receive a  
10       notification -- a news notification on X  
11       and then you opened that, I would  
12       consider that use.

13                   A.     Okay.   All right.

14 Q. So I'll ask the question  
15 again in case it changes your answer.

16	A. Okay.
----	----------

17           Q.       Approximately how often do  
18   you use X?

19           A.       Probably, maybe, twice --  
20   probably twice a week at best.

21 Q. Thank you --

22                   A.     You're welcome.

23 Q. -- for clarifying.

24

\_\_\_\_\_

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[REDACTED]

24

ATTORNEY KARP: At this

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1 point, I have no further  
2 questions -- I will retract that.  
3 Just one thing that I skipped  
4 over. I apologize, Dr. Vauss, I  
5 thought you were off the hook.

6 ATTORNEY INNES: It's not  
7 fun staying on the hook.

8 THE WITNESS: No, it's not.

9 ATTORNEY KARP: Dr. Vauss,  
10 I'm going to hand you Tab 23,  
11 which we will mark as Exhibit-34.

12 - - -

13 (Whereupon, Exhibit  
14 Irvington-April Vauss-34, No  
15 Bates, Third Amended Plaintiff  
16 Fact Sheet-School Districts, was  
17 marked for identification.)

18 - - -

19 BY ATTORNEY KARP:

20 Q. Dr. Vauss, do you recognize  
21 this document?

22 (Reporter clarification.)

23 THE WITNESS: I do.

24 BY ATTORNEY KARP:

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1 Q. This is the third amended  
2 plaintiff fact sheet.

3 Do you see that?

4 A. Yes.

5 ATTORNEY KARP: And just to  
6 make sure is Exhibit-34 the next  
7 number or 33?

8 TRIAL TECHNICIAN: 34.

9 ATTORNEY KARP: So we marked  
10 it correctly. Thank you.

11 BY ATTORNEY KARP:

12 Q. Dr. Vauss, what is your  
13 understanding of this document?

14 A. It is the third amended  
15 plaintiff fact sheet.

16 Q. Do you understand that this  
17 is a document that was created for -- in  
18 connection with this litigation?

19 ATTORNEY INNES: Objection  
20 to form.

21 THE WITNESS: Yes.

22 BY ATTORNEY KARP:

23 Q. Let's look at the very last  
24 page, which is Page 40. This is a

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1 certification page.

2 Do you see that?

3 A. Uh-huh.

4 Q. You are -- is that your  
5 signature here?

6 A. Yes.

7 Q. You certified the  
8 information that's contained in these --  
9 in this plaintiff fact sheet, correct?

10 A. Yes.

11 Q. And you signed this  
12 plaintiff fact sheet on April 28th -- or  
13 strike that.

14 You signed the certification  
15 for this plaintiff fact sheet on April  
16 28th, 2025.

17 Do you see that?

18 A. Yes.

19 Q. And as part of certifying  
20 the information contained here, you  
21 represented that the information was  
22 complete, true and correct to the best of  
23 your knowledge?

24 A. Yes.

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1 Q. Do you stand by that today?

2 A. Yes.

3 Q. Okay. What did you do to  
4 confirm that the information contained in  
5 this fact sheet was complete, true and  
6 correct?

7 ATTORNEY INNES: Objection.

8 You don't have to answer  
9 that question if it would reveal  
10 privileged conversations or  
11 directions that -- that counsel  
12 gave you during the preparation of  
13 this document.

14 So to the extent you can do  
15 neither, I would instruct you not  
16 to answer the question.

17 BY ATTORNEY KARP:

18 Q. Are you able to answer the  
19 question?

20 A. No.

21 Q. So you will follow your  
22 counsel's instruction not to answer?

23 A. Yes.

24 Q. I'm not interested in who

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1 told you to do what.

2 I'm simply asking a more  
3 basic question, which is, Dr. Vauss, to  
4 certify the information contained in this  
5 plaintiff fact sheet, did you review any  
6 documents?

7 ATTORNEY INNES: Objection.

8 To the extent you can answer  
9 that question generally speaking,  
10 without disclosing conversations  
11 you've had with me or my team, you  
12 may do so.

13 THE WITNESS: Can you ask me  
14 again? And I'll make that  
15 determination based on counsel's  
16 advice.

17 BY ATTORNEY KARP:

18 Q. Absolutely.

19 I'm not interested in who  
20 told you what. I'm simply asking the  
21 more basic question, which is, Dr. Vauss,  
22 to certify the information contained in  
23 this plaintiff fact sheet, did you review  
24 any documents?

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1           A.       I'm going to stick to my  
2       counsel's advice and not answer.

3           Q.       Similar question.

4                    To certify the information  
5       contained in this plaintiff fact sheet,  
6       did you speak to any -- did you speak to  
7       anyone?

8                    ATTORNEY INNES:   You can  
9       answer the question.

10                   THE WITNESS:   Parts of this,  
11       yes.   I would say, yes, to get the  
12       information that was necessary to  
13       complete it.

14       BY ATTORNEY KARP:

15           Q.       Did you speak to counsel?

16                    ATTORNEY INNES:   Objection.  
17       You don't have to answer  
18       that question.

19                    THE WITNESS:   Okay.

20                    ATTORNEY KARP:   I'm not  
21       asking about what she discussed, I  
22       just wanted to know if she spoke  
23       to you.

24                    ATTORNEY INNES:   The --



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1           whether or not -- okay. It's a  
2           yes-or-no question. You can  
3           answer the question.

4                   THE WITNESS: Did I speak to  
5           my counsel? Yes.

6 BY ATTORNEY KARP:

7           Q. To certify the information  
8           in this plaintiff fact sheet, did you  
9           speak to any individuals who are not  
10          lawyers?

11                   ATTORNEY INNES: You can  
12          answer that question.

13                   THE WITNESS: Yes.

14 BY ATTORNEY KARP:

15           Q. Can you give me the names of  
16          those individuals?

17                   ATTORNEY INNES: Objection.

18                   I'll direct you not to  
19          answer that question.

20 BY ATTORNEY KARP:

21           Q. Are you going to follow your  
22          counsel's direction?

23           A. Yes. I'm sorry. I'm going  
24          to follow my counsel's direction.

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1 Q. I'm always going to ask that  
2 follow-up.

3 A. That's okay. I'm learning.  
4 I'm learning.

5 Q. Dr. Vauss, let's look at the  
6 response to Question Number 42.

7 Are you there?

8 A. Yes.

9 Q. This is on Page 31.  
10 The question is, Does your  
11 district use or provide any materials to  
12 students, parents, teachers or staff  
13 regarding the potential risks or adverse  
14 effects of using electronic devices, the  
15 Internet and/or social media?

16 Do you see that?

17 A. Yes.

18 Q. And I read that correctly?

19 A. Yes.

20 Q. And the answer provided here  
21 is yes?

22 A. Yes.

23 Q. And then underneath the  
24 question and answer there's a statement,

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1 The below is not intended as an  
2 exhaustive list and plaintiff reserves  
3 all rights to amend this response.

4 Do you see that?

5 A. Yes.

6 Q. And then below that there is  
7 a list of Bates numbers which are  
8 associated or correspond to documents the  
9 district has produced in this case.

10 A. Yes.

11 Q. Did you review the documents  
12 that are listed here in response to  
13 Question Number 42?

14 ATTORNEY INNES: Objection.

15 You don't have to answer  
16 that question.

17 BY ATTORNEY KARP:

18 Q. Are you going to follow your  
19 counsel's advice?

20 A. I'm going to follow my  
21 counsel's advice.

22 Q. Did you do anything to  
23 confirm whether the documents that are  
24 listed here are actually responsive to

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1 the question?

2 ATTORNEY INNES: Objection.

3 You don't have to answer  
4 that question.

5 Counsel, she's already  
6 testified that she certified this  
7 document, okay. So what are we --  
8 what are we trying to do here?

9 ATTORNEY KARP: I'm trying  
10 to understand what she did to  
11 confirm the completeness and  
12 correctness of the -- of the  
13 responses that were given.

14 ATTORNEY INNES: And her  
15 signature and attestation to the  
16 same is not enough for you?

17 ATTORNEY KARP: I'd like to  
18 probe that a bit.

19 ATTORNEY INNES: I'm going  
20 to instruct her not to answer  
21 pretty much all these questions.

22 ATTORNEY KARP: I  
23 understand. I'm almost done,  
24 anyway.

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1 THE WITNESS: I would -- I  
2 will follow my counsel's advice.

3 BY ATTORNEY KARP:

4 Q. I understand. Thank you.

5 A. Okay.

6 Q. I think actually I can wrap  
7 up here.

8 ATTORNEY KARP: I do not  
9 have any further questions, but  
10 open it to my colleagues here and  
11 also on Zoom in case they have any  
12 additional questions.

13 Hearing nothing, I pass the  
14 witness.

15 ATTORNEY INNES: Can we just  
16 go off the record real quick and  
17 I'll switch sides?

18 VIDEO TECHNICIAN: The time  
19 right now is 1:37 p.m. We are off  
20 the record.

21 - - -

22 (Whereupon, a brief recess  
23 was taken.)

24 - - -

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1 VIDEO TECHNICIAN: The time  
2 right now is 1:40 p.m., and we're  
3 back on the record.

4 ATTORNEY KARP: Michael, can  
5 we agree that an objection for one  
6 is an objection for all?

7 ATTORNEY INNES: Yes,  
8 please.

9 - - -

10 EXAMINATION

11 - - -

12 BY ATTORNEY INNES:

13 Q. Good afternoon, Dr. Vauss.  
14 We've been here, this is day two. And  
15 this is my first opportunity that I get  
16 to ask you questions.

17 As you know, I represent the  
18 school district in this litigation. And  
19 I just have a few brief questions, all  
20 centered around the discussions you had  
21 with Mr. Karp regarding chronic  
22 absenteeism.

23 And I want to give you the  
24 opportunity to provide a full picture of

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1 chronic absenteeism, which I -- is now  
2 known as school avoidance; is that  
3 correct?

4 A. Yes, yes.

5 Q. So for a period of time, if  
6 a student was absent for -- from school  
7 for more than 10 percent of the school  
8 year, they would be deemed chronically  
9 absent; is that correct?

10 A. Yes.

11 Q. And now that same  
12 statistics, if they're out for 10 percent  
13 or more of the school year, it's deemed  
14 to be school avoidance; is that correct?

15 A. Yes.

16 Q. During your conversations  
17 with -- or the questions from Mr. Karp,  
18 you said that the district would be much  
19 better off without social media, in the  
20 context of absenteeism.

21 What did you mean by that  
22 exactly?

23 A. What I meant by that is  
24 that, having spoken to various staff

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1 members, knowing that they're responsible  
2 for a classroom or a school building,  
3 they've noticed over time that the usage  
4 of social media's platforms, the  
5 features, the -- the shares have impeded  
6 and encroached upon the learning  
7 environment and the learning space.

8 And that space being the  
9 physical space in the building, but the  
10 space that we hope that is used at home  
11 or other locations to further our  
12 children's learning.

13 We've noticed that -- that  
14 instead of education in the classroom,  
15 they would much prefer to be on those  
16 platforms. And it is causing students,  
17 then, to want to not come to school at  
18 times because of what is happening on  
19 social media platforms.

20 Q. Would you say that the --  
21 what you've articulated as what's  
22 happening on social media, is that a --  
23 that is a cause of absenteeism?

24 A. Yes.



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1 Q. Would you agree with the  
2 statement that it is a significant cause?

3 ATTORNEY KARP: Object to  
4 form.

5 THE WITNESS: Yes.

6 BY ATTORNEY INNES:

7 Q. If you had to put it in your  
8 own words, could you describe -- could  
9 you give a quantification of how much of  
10 a cause, if any, it is on absenteeism?

11 ATTORNEY KARP: Object to  
12 form.

13 THE WITNESS: I would say  
14 that it is a significant -- a  
15 cause. Could I say that it's 50  
16 percent or 60 percent? I would  
17 say that in -- I would say in that  
18 it is something that is something  
19 the staff has to deal with from  
20 the time the students walk in the  
21 building until they leave, it has  
22 to be a high number or percentage.

23 So I would say somewhere in  
24 the neighborhood of a 50 percent

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1           cause of why students are not  
2           coming to school.

3       BY ATTORNEY INNES:

4           Q.       You also mentioned in  
5       your -- in your conversation with Mr.  
6       Karp in this chronic absenteeism/school  
7       avoidance line of questioning the word  
8       "tardiness"?

9           A.       Yes.

10          Q.       What is tardiness?

11          A.       Tardiness is when students  
12       come to school later than the designated  
13       time period.

14          Q.       And what would be an example  
15       of a cause of a student coming to school  
16       late?

17          A.       Well, an acceptable one  
18       would be a doctor's appointment, which  
19       doesn't generally happen.

20                    An unacceptable one is that  
21       they were up all night on social media  
22       and they just kind of fell asleep. And  
23       then when their alarm went off or they  
24       were told to get up to come, they needed

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1 extra time to sleep.

2 And so instead of arriving,  
3 let's say, at 8:06 or 8:26 or 8:25, or  
4 whatever time, they're coming to school  
5 significantly late. They're missing the  
6 first block or they're missing half of  
7 the first block of their -- their school  
8 day.

9 Q. Thank you.

10 And how -- what's the basis  
11 for your knowledge of that testimony?

12 A. Just the conversations I've  
13 had with my staff and what they are up  
14 against, you know.

15 And when asked, you know,  
16 why are students not coming to school on  
17 time -- they may say, students aren't  
18 coming to school on time. I might ask,  
19 well, why aren't they coming? And they  
20 say, they're on -- they're on the social  
21 media all the time. They are on their  
22 phones, logging into these sites, and  
23 they're on from the time they walk into  
24 the building until they leave. Then when

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1 they are supposed to be doing homework,  
2 they're on -- they're on social media.

3 And they just -- they're  
4 just consumed with -- with that.

5 Q. You just testified that when  
6 they're supposed to be doing -- doing  
7 their homework they're on social media.

8 Is that an example of the  
9 encroachment you were describing before?

10 A. Yes.

11 ATTORNEY KARP: Object to  
12 form.

13 THE WITNESS: Yes. That's  
14 exactly what I'm speaking of.

15 BY ATTORNEY INNES:

16 Q. Also during your  
17 conversation with Mr. Karp about school  
18 avoidance, you mentioned that one of the  
19 reasons might be that the student simply  
20 doesn't like school.

21 Is that -- do you remember  
22 that?

23 A. Yes.

24 Q. Can you give me an example

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1 of why a student might not like school?

2 A. A lot of the reasons why I  
3 believe that they don't like school is  
4 because of, you know, the things that  
5 they see on social media.

6 I remember we had a debate  
7 about Doechii versus Beyonce. And it  
8 turned into light complexion versus brown  
9 complexion, who should have won a Grammy,  
10 who should have won this award. And it  
11 started to turn students against  
12 students.

13 And it made a lot of them  
14 unhappy and sad because what it turned  
15 into was people liking and commenting on,  
16 you know, who is better than the other  
17 person or the other. When, you know, up  
18 to that point, this person may have been  
19 my best friend and they happened to be a  
20 different complexion than me. And then  
21 that -- having that platform to be able  
22 to say all these mean and hateful things.

23 It's just an example of the  
24 students not wanting to come to school.

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1 They're like, I don't want to -- I don't  
2 want to come, I don't want to hear that,  
3 I don't want to be exposed to that.

4 And because there's not an  
5 end into the cycle, it lives on. So you  
6 try to resolve it, but it's still there.

7 Q. Doctor, I know who Beyonce  
8 is.

9 But could -- could you tell  
10 the jury who Beyonce and Doechi are?

11 A. Beyonce is probably one of  
12 the most famous R&B, country music, I  
13 guess, now, singers probably for the last  
14 20 years.

15 And I believe Doechi --  
16 well, she is -- she is a singer, an  
17 artist who obviously won a Grammy. And  
18 she won it over Beyonce.

19 Q. And you had mentioned --  
20 just now you used the word "complexion."

21 How does complexion fit into  
22 this story you're telling us about  
23 Doechi and Beyonce and the social media  
24 aspect that played out in school?

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1                   ATTORNEY KARP: Object to  
2                   form.

3                   THE WITNESS: Well, there's  
4                   always been issues of colorism,  
5                   right. That's not to discount  
6                   that.

7                   But what happens in this  
8                   instance is that there's an  
9                   argument of who should have won.  
10                  And then the basis for who was  
11                  better is based upon whose  
12                  complexion is better.

13                  And in this case, some  
14                  students took the viewpoint that  
15                  being light complexion was better  
16                  than being dark complexion. And  
17                  others said, you know, you're  
18                  prejudiced if you have that  
19                  viewpoint.

20                  And it just turned into  
21                  this -- this horrific argument on  
22                  the platform and then -- I  
23                  think -- and hatefully so, people  
24                  liking derogatory things that were

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1           said about the -- Doechi because  
2           of her complexion and, likewise,  
3           people saying derogatory things  
4           about Beyonce because of hers.

5                     And these are children who  
6           are debating this. And there is  
7           no one who is -- you know, I'm not  
8           saying certain colors about -- you  
9           know, conversations about  
10          complexion and race and colorism  
11          should be had, but they should be  
12          in an arena of responsible adults.

13                    And that is not an arena  
14          that is being monitored or being  
15          refereed. And there is no  
16          stoppage to what is being allowed  
17          to be said.

18                    And that's where -- well,  
19          one of my concerns, where they  
20          lie.

21          BY ATTORNEY INNES:

22                    Q.       And you just mentioned that  
23          there might be or there were -- strike  
24          that.



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1                   You just mentioned that  
2           there were comments made on posts?

3           A.       Uh-huh.

4                   ATTORNEY KARP:   Object to  
5           form.

6   BY ATTORNEY INNES:

7           Q.       Do you recall what platform  
8           those comments were posted on?

9           A.       I'm not entirely sure.   But  
10          I believe it was -- I believe it was  
11          Instagram.

12          Q.       And then you also --

13          A.       No.   Correct -- correction.  
14                   I believe it was Snapchat.  
15          I believe it was Snapchat.

16          Q.       Snapchat.

17          A.       Uh-huh.

18          Q.       One of the other phrases you  
19          used was -- when talking about chronic  
20          absenteeism and school avoidance was --  
21          was scholars don't feel confident.

22                   What is an example of why --  
23          in your experience, why a student or a  
24          scholar might not feel confident and

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1 not -- therefore, not come to school?

2 A. Well, I think when they are  
3 on a social media platform that has an  
4 image of what beauty is and there's  
5 filters that are placed on there, that  
6 I've learned about, that they can alter  
7 what the ideal of beauty is and what  
8 wealth is, and this and that, and they  
9 look at themselves, it makes them feel  
10 not good enough and not valued.

11 And in a lot of those things  
12 they don't see themselves, you know,  
13 showing up as important. And I think  
14 that it contributes a lot to the  
15 self-esteem, a certain sense of anxiety  
16 because, you know, I -- I don't look like  
17 that. I'm not like that.

18 And they are -- so, you  
19 know, I don't want to be around. I don't  
20 want to be -- I don't want to be picked  
21 on. I don't want to be bullied, you  
22 know.

23 Q. How, if at all, do -- strike  
24 that.

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1                   So is your testimony that  
2                   the self-esteem and anxiety issues are  
3                   exclusively caused by the content or  
4                   images projected?

5                   ATTORNEY KARP: Object to  
6                   form.

7                   THE WITNESS: No.

8                   BY ATTORNEY INNES:

9                   Q. And what other -- well,  
10                  explain -- explain that.

11                  A. I would say when certain  
12                  troubling things are shared or if a  
13                  scholar happens to see something is liked  
14                  and, let's say, for example -- and this  
15                  is just -- I'm just giving an example.

16                         If someone likes something  
17                  that's supposed to be your friend and  
18                  it's something that's derogatory towards  
19                  you, or it could be perceived to be  
20                  derogatory, if it's a fight, and the  
21                  person who is your friend likes it or  
22                  even shares it, that would be detrimental  
23                  to their self-esteem.

24                         That would be -- that would

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1     cause anxiety. That would cause  
2     depression. Because they would feel --  
3     that would be an isolation tool at that  
4     point and make them feel like I'm in it  
5     alone. I mean, or I have a new enemy. I  
6     mean, there's a plethora of ways that  
7     they filter this through.

8                     And it -- while it may not  
9     always look this way, it can cause a  
10    certain amount of anxiety. It can cause  
11    depression. And so -- and definitely  
12    cause some types of suicidal ideation.

13            Q.     And do you base that on your  
14    own personal knowledge?

15                    ATTORNEY KARP: Object to  
16    form.

17                    THE WITNESS: No.

18    BY ATTORNEY INNES:

19            Q.     What do you base that on?

20            A.     On things shared with me.

21            Q.     Shared with you by who?

22            A.     By my staff members.

23            Q.     And do some of the staff  
24    members include trained counselors?

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1 ATTORNEY KARP: Object to  
2 form.

3 THE WITNESS: Yes.

4 BY ATTORNEY INNES:

5 Q. Did those trained counselors  
6 share those similar -- share those  
7 stories with you?

8 A. Yes.

9 Q. Does the district employ  
10 psychologists?

11 A. Yes.

12 Q. Did psychologists share that  
13 information with you?

14 A. Yes.

15 Q. Are there any other mental  
16 health professionals that the school  
17 district employs?

18 A. Yes.

19 Q. Sure. And what are their  
20 titles?

21 A. HSSCs. Please forgive me,  
22 because right now I can't think of the  
23 acronym. It's an acronym. But they are  
24 social workers.

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1                   And we also have school  
2     counselors.

3           Q.       Have school counselors  
4     shared similar stories with you?

5           A.       Yes.

6           Q.       Thank you.

7                   Doctor, you'll recall that  
8     defendants propounded -- or a fancy way  
9     of saying sent us interrogatories.

10                  Do you recall that?

11          A.       Yes.

12                  ATTORNEY KARP:   Object to  
13     form.

14     BY ATTORNEY INNES:

15          Q.       And do you recall signing a  
16     verification for those interrogatories?

17          A.       Yes.

18          Q.       And do you recall in that  
19     interrogatory a list of what we  
20     colloquially refer to as fight pages?

21          A.       Yes.

22          Q.       And can you describe for the  
23     jury what a fight page is, in your -- in  
24     your words?

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1           A.       So a fight page is a video  
2       that was created during a physical  
3       altercation between scholars. And  
4       they -- usually, another student will go  
5       live and then post it, either video live  
6       or they'll post it after it occurred, and  
7       try to -- you know, with the objective of  
8       getting likes and shares and followers --  
9       ultimately, maybe, followers out of that.

10          Q.       Do you know if the fight  
11       pages that we listed in that -- I'm  
12       sorry, that the school district listed in  
13       that interrogatory response are still  
14       available on defendants' platforms?

15          A.       Yes. And I would love to  
16       ask that they be taken down. Because  
17       they are still active.

18          Q.       And why would you love for  
19       them to be taken down?

20          A.       Because if we have an  
21       incident and we -- "we" being my school  
22       staff -- they deal with the issue, they  
23       get the parties to come to some type of  
24       peaceful resolution, when that video is

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1 shared, and invariably it gets shared  
2 again, the same feelings, the same anger,  
3 the same issues arise over and over  
4 again.

5 And that's -- that has  
6 happened.

7 Q. How often has that happened?

8 A. Quite often. Quite --  
9 almost -- almost -- you know, if a fight  
10 happens and it's placed on a platform,  
11 how many times does that come up again?  
12 Two, three, four, five times, that same  
13 incident.

14 Q. And does the district devote  
15 resources to resolving those conflicts?

16 A. Yes.

17 Q. Thank you for that.

18 Have you ever -- strike  
19 that.

20 Do you think the social  
21 media companies, the defendants in this  
22 case, should be on the hook for the  
23 damages that they've caused to the  
24 district?



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1 ATTORNEY KARP: Object to  
2 form.

3 THE WITNESS: Yes.

4 ATTORNEY INNES: Thank you.  
5 I'll pass the witness back to you.

6 ATTORNEY KARP: I think I  
7 just need, like, one minute, if we  
8 can go off the record and take a  
9 quick break.

10 ATTORNEY INNES: Sure.

11 VIDEO TECHNICIAN: The time  
12 right now is 1:59 p.m. We are off  
13 the record.

14 - - -

15 (Whereupon, a brief recess  
16 was taken.)

17 - - -

18 VIDEO TECHNICIAN: The time  
19 right now is 2:10 p.m. We are  
20 back on the record.

21 - - -

22 EXAMINATION

23 - - -

24 BY ATTORNEY KARP:

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1 Q. Dr. Vauss, just a few  
2 follow-up questions to the questions you  
3 were just discussing with your counsel.

4 A. Yes.

5 Q. You testified a few minutes  
6 ago that social media was impeding on the  
7 learning space?

8 A. Yes.

9 Q. And you said that your  
10 source for that information was your --  
11 your staff.

12 Do I have that right?

13 A. Yes.

14 Q. Who specifically told you  
15 that?

16 A. So principals that I've  
17 spoken to, teachers that I've spoken to  
18 have noted how it is -- it's just  
19 something that our scholars are on from  
20 the time they walk into the building  
21 until the time that they leave out.

22 And that it is -- there's a  
23 great deal of time within the teaching  
24 blocks to get them to stay off the

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1 platforms.

2 Q. What are the names of these  
3 principals?

4 A. I can say Principal Mangan.  
5 Principal Bussacco. Principal Zahir.

6 Q. These are -- I'm sorry. I  
7 didn't mean to cut you off.

8 A. Yes.

9 Q. These are principals of the  
10 middle schools and the high school --

11 A. Yes.

12 Q. -- within the district?

13 A. Yes.

14 Q. When did you speak to them  
15 about these issues?

16 A. I've spoken to them over  
17 long periods of time. Usually, you know,  
18 if something happens, if an incident  
19 happens, they might make mention of it.  
20 And then we go into, well, why didn't  
21 anyone stop a situation? Why did they go  
22 to their phones? You know, and then  
23 they'll offer, you know, their thoughts  
24 on that.

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1 Q. So these conversations come  
2 up when there are incidents?

3 A. I wouldn't say that I would  
4 isolate it to that. But they have come  
5 up during those incidents.

6 Q. Are these conversations  
7 written down anywhere?

8 A. No.

9 Q. These are oral  
10 conversations?

11 A. Yes.

12 Q. You said you've spoken to  
13 teachers?

14 A. Yes.

15 Q. Which teachers?

16 A. I couldn't, like, come up  
17 with a list of teachers off the top of my  
18 head. But just people that I engage with  
19 when I walk around in the buildings, you  
20 know. It could be any number of  
21 teachers.

22 Q. And I'm not necessarily  
23 asking for an exhaustive list.

24 But can you give me any

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1 names?

2 A. Like, Ms. Dove from -- from  
3 University Middle School. She's a  
4 teacher that, you know, I know who has  
5 complained about social media and  
6 students not staying off of it when she's  
7 trying to teach.

8 (Reporter clarification.)

9 BY ATTORNEY KARP:

10 Q. Anyone else?

11 A. I mean, there are others.  
12 But, I mean, that's -- that's the first  
13 name that comes to mind.

14 Q. But are there any --  
15 Ms. Dove is the first name that comes to  
16 mind.

17 Are there any other names  
18 that come to mind, sitting here today?

19 A. None that just come to mind.

20 Q. Ms. Dove complained to you  
21 about social media use in her classroom?

22 A. Uh-huh.

23 Q. Tell me more about that.  
24 What did she -- what did she tell you?

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1           A.       I remember on -- going to  
2 visit the school and walking in her  
3 class, having a conversation with her  
4 about upcoming retirement.

5                   And she said, you know, I  
6 won't miss having to tell students to get  
7 off of their phones. She just kind of --  
8 and then we went on to her saying they  
9 are on the phones all the time.

10                   But then it went onto, well,  
11 you know, thank you for all that you've  
12 done for Irvington Public Schools.

13                   It didn't go into an  
14 exhaustive conversation at that point.

15           Q.       Ms. Dove was upset about  
16 students using their phones in class when  
17 she wanted them to focus on the lesson  
18 she was teaching?

19           A.       Particularly them being on a  
20 platform, not just -- not just -- because  
21 she went over, told them to get off their  
22 phones, she looked at what they're --  
23 maybe she looked at what they were doing  
24 for her to be able to say that. I don't

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1 know.

2 But she did say to stay off  
3 their phones, and I took that to mean  
4 social media, yes.

5 Q. Did she specifically tell  
6 you social media or did she just say she  
7 was upset that -- or that she wanted kids  
8 to get off their phones?

9 A. She probably said  
10 specifically their phones. But I took it  
11 to mean not just that they had a phone in  
12 their hands but what they were doing with  
13 the phones.

14 Q. Okay. In response to some  
15 of the questions you received from your  
16 counsel, you testified that social media  
17 was a significant cause of absenteeism.

18 Do you recall that?

19 A. Yes.

20 Q. And you quantified the  
21 percentage causation at 50 percent.

22 Do you recall that?

23 A. Yes.

24 Q. What's your basis for

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1 quantifying social media as a 50 percent  
2 cause of all chronic absenteeism?

3 A. I would quantify -- I mean,  
4 I would qualify that by the conversations  
5 I've had with my administration in  
6 regards to chronic absenteeism.

7 Q. Are those the same  
8 individuals that you listed before?

9 And I apologize if any of  
10 these individuals are doctors, but Mr.  
11 Mangan, Mr. Bussacco and Ms. Zahir?

12 A. Dr. Zahir.

13 Q. Dr. Zahir.

14 Are those the administrators  
15 that you're talking about?

16 A. Yes.

17 Q. And they told you  
18 50 percent?

19 A. No.

20 Q. Where is the 50 percent  
21 number coming from?

22 A. Looking at the amount of  
23 time that the students are on the phones  
24 and the things that are happening as a



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1 result of their use of these different  
2 platforms, I -- I came up with that  
3 figure.

4 Q. Your conversations with  
5 administrators, is that your only  
6 source -- the only source you're relying  
7 on --

8 A. And staff. And staff.

9 Q. I apologize. Let me re-ask  
10 the question.

11 Your conversations with  
12 administrators and your staff are the  
13 only source for the 50 percent number  
14 you've given?

15 A. And my staff, yes. Yes.

16 Q. Is the 50 percent, is it --  
17 is it published anywhere that social  
18 media is a 50 percent cause of all  
19 chronic absenteeism?

20 A. No.

21 Q. Have you seen that in any  
22 article?

23 A. No, I have not.

24 Q. Have you read that anywhere?

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1 A. I have not.

2 Q. Have you studied other  
3 potential causes of chronic absenteeism  
4 and tried to quantify them?

5 A. No.

6 Q. What makes up the other 50  
7 percent?

8 A. I would say students being  
9 ill prepared. Meaning maybe they are,  
10 they don't have anything to -- maybe they  
11 don't have clothes to -- clean clothes or  
12 they didn't do their homework or they're  
13 being held out to go to something family  
14 related or -- there's so many variables  
15 within the other 50 percent.

16 Q. You talked about tardiness.  
17 Do you recall?

18 A. Yes.

19 Q. And you gave two examples of  
20 tardiness; one being a doctor's  
21 appointment, another being students  
22 staying up late on their phones and, I  
23 guess, sleeping in or not getting enough  
24 sleep, is --

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1 A. Yes.

2 Q. How often is it happening  
3 that students are on their phones late at  
4 night and that is causing them to be  
5 tardy for class?

6 A. You said how often is that  
7 happening? I think it's happening quite  
8 often.

9 When I've spoken to school  
10 counselors and they've talked about them  
11 having attendance groups or something of  
12 the like and they ask the students  
13 simply, why didn't you come to school or  
14 why were you -- particularly, why were  
15 you late? And they say, I was -- I was  
16 on -- fill in the blank of a platform --  
17 I was on there all night long and then I  
18 just fell asleep and then I just couldn't  
19 get up in the morning.

20 Q. So your belief is based on  
21 conversations you've had with counselors?

22 A. And staff. Just staff, yes.  
23 That would include them.

24 Q. Who are these counselors?

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1           A.       Some are high school  
2       counselors.   Some are middle school  
3       counselors.

4           Q.       Can you name them?

5           A.       I can give you Ms. -- maybe  
6       Ms. Lopez.   She's a school social worker.  
7                    There's school counselors.  
8       They're, like, Ms. Johnson, Ms. Brown,  
9       Ms. Vasquez is a school -- high school  
10      social worker.   Ms. Sadio.

11                   I've been in the district  
12      for, like, 21 years.   So I know a lot of  
13      people.   And a lot of times they'll tell  
14      me things just so that, you know, I have  
15      a pulse on things -- on certain things.

16           Q.       You have specifically  
17      discussed --

18                   ATTORNEY KARP:   Do we need  
19      to go off the record for --

20                   THE WITNESS:   I have to make  
21      sure things are locked.

22                   ATTORNEY KARP:   We can go  
23      off the record.

24                   VIDEO TECHNICIAN:   The time

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1 right now is 2:20 p.m. We are off  
2 the record.

3 - - -

4 (Whereupon, a brief recess  
5 was taken.)

6 - - -

7 VIDEO TECHNICIAN: The time  
8 right now is 2:25 p.m. We are  
9 back on the record.

10 BY ATTORNEY KARP:

11 Q. Dr. Vauss, just before the  
12 break, we were talking about some  
13 conversations you had had -- or that you  
14 told me you had had with various  
15 counselors in the district.

16 Do you recall?

17 A. Uh-huh.

18 Q. And it was specifically  
19 about the issue of tardiness. You  
20 identified Ms. Lopez, Ms. Johnson,  
21 Ms. Vasquez and Ms. Sadio.

22 Have you specifically spoken  
23 to those individuals about social media  
24 causing tardiness for IPS students?

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1           A.       I would talk about their  
2 information that they gathered as far as  
3 their attendance committees and the  
4 causations for student tardiness and  
5 absenteeism.

6           Q.       And your testimony is that  
7 in your conversations with these four  
8 individuals, they told you that social  
9 media was a reason that students were  
10 tardy?

11                   ATTORNEY INNES:   Objection.

12                   THE WITNESS:   Yes.

13 BY ATTORNEY KARP:

14           Q.       They told you that students  
15 were up late at night on social media?

16           A.       Yes.

17           Q.       They didn't say that  
18 students were on their phones; they said  
19 social media specifically?

20           A.       They may have said on their  
21 phones, whatever, doing those -- like, on  
22 those -- on those platforms.

23           Q.       Did Ms. Lopez, Ms. Johnson,  
24 Ms. Vasquez or Ms. Sadio identify any

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1 specific platforms to you in their -- in  
2 those conversations that you just told me  
3 about?

4 ATTORNEY INNES: Objection.

5 THE WITNESS: They would  
6 have -- yes, they would have said  
7 those. Maybe after questioning,  
8 like, what are -- what are they  
9 doing on the phones? They're on  
10 these -- on the platforms,  
11 they're -- they're, you know, on  
12 there.

13 And I might ask, well,  
14 what -- what platforms and what  
15 were they doing?

16 BY ATTORNEY KARP:

17 Q. Do you specifically -- do  
18 you specifically remember asking them  
19 which platforms?

20 A. I don't. I -- I can't say.

21 Q. Just to clarify something I  
22 think I heard you say.

23 Did you say that these four  
24 individuals, Ms. Lopez, Ms. Johnson,

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1 Ms. Vasquez and Ms. Sadio would have  
2 mentioned social media -- or, sorry,  
3 would have mentioned specific social  
4 media platforms or that they did mention  
5 certain social media platforms?

6 ATTORNEY INNES: Objection.

7 THE WITNESS: Can you ask me  
8 that again?

9 BY ATTORNEY KARP:

10 Q. Did you testify -- strike  
11 that.

12 You testified that you've  
13 had conversations with Ms. Lopez,  
14 Ms. Johnson, Ms. Vasquez and Ms. Sadio  
15 about the causes of tardiness for IPS  
16 students, correct?

17 A. Yes.

18 Q. And that in those  
19 conversations, they have told you that  
20 students stayed up late on -- on their  
21 phones, maybe on social media; is that  
22 right?

23 A. Yes.

24 ATTORNEY INNES: Objection.



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1 I'll just -- when you list those  
2 teachers, I believe the  
3 testimony -- the prior testimony,  
4 if I had realtime I would say, I  
5 think there was a Ms. Brown in  
6 there as well.

7 BY ATTORNEY KARP:

8 Q. Did you say Ms. Brown?

9 A. Yes.

10 ATTORNEY KARP: Thank you.

11 BY ATTORNEY KARP:

12 Q. Let's add Ms. Brown to the  
13 mix.

14 You've had conversations  
15 with Ms. Brown, Ms. Lopez, Ms. Johnson,  
16 Ms. Vasquez and Ms. Sadio about the  
17 causes for tardiness for IPS students,  
18 correct?

19 A. Yes.

20 Q. In any of those  
21 conversations, did they tell you that  
22 social media was the reason that students  
23 were coming into school late?

24 A. Yes.

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1 Q. And did -- in your  
2 conversations with these five  
3 individuals, did they specific -- did  
4 they mention specific social media  
5 platforms?

6 A. Maybe not initially. But I  
7 think that the specific ones came up,  
8 yes.

9 Q. Does IPS have a way of  
10 knowing what students are doing on their  
11 phones late at night?

12 A. No.

13 Q. These conversations that  
14 you've had with Ms. Brown, Ms. Lopez,  
15 Ms. Johnson, Ms. Vasquez and Ms. Sadio,  
16 are they written down anywhere?

17 A. These -- no.

18 Q. You referred to attendance  
19 committees --

20 A. Yes.

21 Q. -- in your testimony?

22 A. Yes.

23 Q. What are attendance  
24 committees?

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1           A.       They are committees that are  
2       formed to try to improve the school  
3       avoidance rates.

4           Q.       Do they collect attendance  
5       data?

6           A.       I believe so.

7                    But their function is to  
8       collaborate and try to come up with  
9       things that encourage students to want to  
10      come to school.

11          Q.       Would attendance committees  
12      have data in their possession relating to  
13      how students are using their cell phones  
14      outside of the school?

15          A.       No.

16          Q.       Dr. Vauss, how often do you  
17      interact with students directly?

18                   ATTORNEY INNES:   Objection  
19      to form.

20                   THE WITNESS:   Not as often  
21      as I would like.   So the students  
22      that are in this building, I -- on  
23      a daily basis.

24                   Other students, interact

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1 with them? That's not really what  
2 I do. So I couldn't give a  
3 number. But not often.

4 I did -- for example, I did  
5 yesterday, I visited JROTC class,  
6 I visited an RTC program, and I  
7 had an opportunity to engage with  
8 the students, but not in a -- not  
9 in a teacher-pupil way.

10 BY ATTORNEY KARP:

11 Q. You referred to "this  
12 building."

13 And that is University  
14 Elementary School?

15 A. Yes.

16 Q. Approximately how many  
17 times, in a given school year, do you  
18 visit Irvington High School?

19 A. Oh, wow.

20 ATTORNEY INNES: So  
21 objection. I think you have to  
22 give some time period.

23 Dr. Vauss has been in the  
24 district for a very long time.

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1                   ATTORNEY KARP:    I  
2                   understand.   And that's fair.

3       BY ATTORNEY KARP:

4               Q.       You became superintendent of  
5       IPS in July of 2020, correct?

6               A.       Yes.

7               Q.       You were interim as of April  
8       2020, and then you took on the role more  
9       officially in July, correct?

10              A.       Yes.

11              Q.       So in the 2020-2021 school  
12       year, we were remote.

13              A.       Yeah.   I was going to say,  
14       we were remote.

15              Q.       Bad year to pick.

16                      Let's talk about 2023-2024  
17       school year.

18                      Can you approximate how many  
19       times you visited Irvington High School  
20       during that year?

21                      ATTORNEY INNES:   Objection.  
22       Outside the scope.

23                      THE WITNESS:    I would say  
24       anywhere from five to ten times.

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1 BY ATTORNEY KARP:

2 Q. Can you approximate how many  
3 times you visited University Middle  
4 School during the 2023-2024 school year?

5 ATTORNEY INNES: Objection.  
6 Scope.

7 THE WITNESS: So can I ask a  
8 question for clarification?

9 BY ATTORNEY KARP:

10 Q. You may.

11 A. So when you say "visited,"  
12 do you mean just inside the building or  
13 outside?

14 Because we're right next  
15 door. And I found an occasion just to --  
16 to walk over there and just to watch and  
17 observe the scholars and things like  
18 that. So --

19 Q. I will ask my -- let's go  
20 back to Irvington High School, to make  
21 sure we're on the same page and we have  
22 the same understanding.

23 A. Okay.

24 Q. During the 2023-2024 school

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1 year, how many times were you physically  
2 present at Irvington High School at a  
3 time when students were also present?

4 A. It would be that same  
5 number; five -- anywhere from five to ten  
6 times.

7 Q. During the 2023-2024 --

8 A. I'm sorry. So sports,  
9 activities, all of that, then I couldn't  
10 give you a number. Because there's so  
11 many sports and activities and things  
12 that I attend.

13 I'm thinking of, you know,  
14 maybe doing a walk-through or something,  
15 if -- it's the five to ten as opposed to  
16 just going to the school.

17 I go to the sports. I  
18 attend, you know, sports activities and  
19 things like that.

20 Q. So five to ten times during  
21 the school day is your approximation --  
22 your estimate?

23 A. Yes.

24 Q. With the possibility of

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1 going to -- being at Irvington High  
2 School more times for sporting events?

3 A. Sporting events, programs,  
4 ceremonies before and after school. Yes.

5 Q. During the 2023-2024 school  
6 year, can you approximate for me how many  
7 times you were present at University  
8 Middle School at a time when students  
9 were also present?

10 ATTORNEY INNES: Objection.  
11 Outside the scope.

12 The scope objection is  
13 because my cross -- or my direct  
14 is limited really to absenteeism.  
15 So I'll give you a little bit of  
16 leeway to connect this to  
17 absenteeism. But if we're not  
18 going to do that, then I think  
19 we're done.

20 ATTORNEY KARP: I understand  
21 your scope objections. I think  
22 this goes to some of the issues  
23 that you raised in your exam.

24 So your scope -- scope



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1 objection is noted.

2 ATTORNEY INNES: Which one  
3 is this?

4 ATTORNEY KARP: I don't need  
5 to explain my -- the line of  
6 questioning.

7 You made a scope objection.  
8 That's what you're entitled to do.

9 ATTORNEY INNES: But you  
10 don't -- you can't -- this is not  
11 related to absenteeism is what  
12 you're saying?

13 ATTORNEY KARP: It is  
14 related to absenteeism.

15 ATTORNEY INNES: Okay.

16 ATTORNEY KARP: Yeah. I'm  
17 fine saying that. It's related to  
18 absenteeism and issues of  
19 tardiness that came up during your  
20 exam.

21 ATTORNEY INNES: Okay.

22 BY ATTORNEY KARP:

23 Q. Do you need me to re-ask the  
24 question, Dr. Vauss?

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1 A. Please.

2 Q. Sure.

3 During the 2023-2024 school  
4 year, approximately how many times did  
5 you visit University Middle School at a  
6 time when students were also present?

7 A. Maybe around the same amount  
8 of times I visited the high school.

9 Q. So that would be five to ten  
10 times, and then some additional allowance  
11 for athletic events and other activities  
12 outside of school hours?

13 A. Yes.

14 Q. Okay. Is it the same answer  
15 for Union Avenue Middle School?

16 A. Yes.

17 Q. Would you say it's about the  
18 same for the elementary schools within  
19 IPS?

20 ATTORNEY INNES: Objection  
21 to scope.

22 THE WITNESS: I would say  
23 maybe a little less in some -- in  
24 some instances; and in some

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1 instances a little more.

2 BY ATTORNEY KARP:

3 Q. Let's talk about why  
4 students aren't coming to school.

5 You talked about that with  
6 your counsel, right?

7 A. Yes.

8 Q. Okay. Have students ever  
9 wanted to go to school?

10 ATTORNEY INNES: Objection.

11 THE WITNESS: Are you asking  
12 me? Yes. I did. I liked school.

13 I would say that there's --  
14 well, let me -- let me have you  
15 ask your question again. I'm  
16 sorry.

17 BY ATTORNEY KARP:

18 Q. Sure.

19 Have students ever wanted to  
20 go to school?

21 A. Yes and no. I would say,  
22 no, there are times, I guess, that  
23 students didn't want to go to school.  
24 And, yes, there are times when students

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1 did want to go to school.

2 Q. IPS students would rather be  
3 playing soccer or hanging out with their  
4 friends than doing a math quiz, right?

5 ATTORNEY INNES: Objection  
6 to the form.

7 THE WITNESS: Perhaps.

8 BY ATTORNEY KARP:

9 Q. IPS students would rather be  
10 watching TV or playing video games  
11 than -- than learning biology?

12 A. Perhaps.

13 Q. You spoke with your counsel  
14 about an incident involving Beyonce and  
15 Doechii.

16 Do you recall?

17 A. Yes.

18 Q. And some debate and  
19 discussion that was happening around the  
20 Grammy award that Doechii won.

21 Do you recall?

22 A. Yes.

23 Q. And you said that complexion  
24 was a big part of that discussion.

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1 Do you recall?

2 A. Yes.

3 Q. We can both agree that  
4 racism is a terrible thing, correct?

5 A. But -- yes. But it's  
6 colorism, which is -- can be different.

7 Q. Understood. Also a terrible  
8 thing. Both are terrible things.

9 A. Yes. Absolutely.

10 Q. And I didn't mean to  
11 misspeak there.

12 Colorism, terrible thing?

13 A. Yes.

14 Q. And what these students were  
15 posting about Beyonce and about Doechi  
16 in the context of this Grammy award issue  
17 was hurtful, correct?

18 A. Yes.

19 Q. Did you say that certain  
20 comments -- did you testify that certain  
21 comments regarding that debate were  
22 posted to Snapchat?

23 A. I believe that was the  
24 platform that it was placed on.

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1 Q. And did you see those posts?

2 A. I did not.

3 Q. What is the basis for your  
4 belief that those -- those comments or  
5 that -- that content, maybe even images,  
6 were posted to Snapchat specifically?

7 A. Speaking to Principal  
8 Bussacco and the -- also, I believe, that  
9 Assistant Principal Penn was the  
10 administrator who helped with the  
11 investigation, as well as a social  
12 worker, for purposes of HSSC, Ms. Lopez.  
13 I think they handled the situation.

14 Q. And one or more of those  
15 individuals identified Snapchat  
16 specifically?

17 A. I heard that word being  
18 mentioned.

19 But, I mean, I could be  
20 incorrect. I just know it was placed  
21 upon a platform, and they said they  
22 choose that because it can go away. So  
23 unless someone screenshots it and shows  
24 an administrator, you know, this is what

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1 such and so said and this is what they  
2 did, then it kind of goes away.

3 Q. You testified that some  
4 students don't want to come to school  
5 because they don't feel good about  
6 themselves or they don't feel confident,  
7 right?

8 A. Yes.

9 Q. There are lots of causes,  
10 unfortunately, for students to have low  
11 self-esteem, right?

12 A. Yes.

13 Q. It could be low -- it could  
14 be academic low -- it could be academic  
15 self-esteem, correct?

16 A. Yes.

17 Q. They may not believe in  
18 their ability to do well in school?

19 A. Yes.

20 Q. You talked about students  
21 not feeling pretty or beautiful, right?

22 A. Yes.

23 Q. Historically, students have  
24 compared themselves to celebrities?

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1 A. Yes.

2 Q. They have -- they've read  
3 magazines and compared themselves to  
4 models?

5 A. Yes. But their access to it  
6 on an -- like, on an instant reel that  
7 just goes on and on and people being able  
8 to like or share this image versus that  
9 image or something that makes them feel  
10 less than, it's totally different than  
11 someone like me who grew up and, you  
12 know, maybe saw images that didn't look  
13 like me being on magazines.

14 It's a totally different  
15 world. Because I might see that at a  
16 grocery store and then I go home and I  
17 get -- my self-esteem can be built up,  
18 and there's not a device to stand  
19 juxtaposed to that to say no, no, your  
20 parents are wrong, right. I mean, so  
21 that's kind of what I meant.

22 Q. Students can tell each other  
23 that they look beautiful on social media  
24 as well, right?



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1 A. They can.

2 Q. You said that some of your  
3 testimony is based on conversations that  
4 you've had with trained counselors.

5 Do you recall that?

6 A. Yes.

7 Q. And I apologize --

8 A. School -- school counselors.  
9 Yes.

10 Q. School counselors.

11 And I apologize if there's  
12 some overlap with some of the questioning  
13 I've already asked. Tell me if there is,  
14 or maybe your counsel will.

15 But who are the trained  
16 counselors you recall having discussions  
17 with about social media?

18 ATTORNEY INNES: Asked and  
19 answered.

20 You may answer.

21 THE WITNESS: Okay. So the  
22 list of names that I shared with  
23 you, with the exception of the one  
24 I identified -- the person I

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1 identified as a teacher, they are  
2 either school counselors or  
3 they're HSSCs.

4 BY ATTORNEY KARP:

5 Q. And which is the individual  
6 who was a teacher?

7 A. Ms. Dove.

8 Q. Ms. Dove. Thank you.

9 You told your counsel that  
10 you had spoken to school psychologists.

11 Who are those school  
12 psychologists?

13 A. We have various ones. I --  
14 I can't think of their names right off  
15 the top of my head.

16 But we have -- like, they're  
17 on child study teams. We have them  
18 throughout the district. But to name our  
19 whole school psychologists, I couldn't  
20 off the top of my head.

21 Q. And I'm not asking for you  
22 to name the entire roster of school  
23 psychologists for IPS.

24 I'm asking, which school

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1 psychologist did you talk to about the  
2 impact of social media on IPS students?

3 A. Well, one person that's come  
4 up with -- is Dr. Rivera. And I know she  
5 wrote a statement and she wrote an  
6 article, you know, talking about what --  
7 you know, the effects of COVID.

8 But I'm sure that if I had a  
9 conversation with her today, and the  
10 conversations that -- that were held  
11 after COVID was in full effect, she would  
12 talk about the imprint that social media  
13 has had.

14 Q. You have not had that  
15 conversation with Dr. Rivera?

16 A. No.

17 Q. You're saying you --

18 A. If I --

19 Q. -- think if you --

20 A. -- had a conversation with  
21 her today.

22 Q. Okay. So you suspect that  
23 if you had that conversation today,  
24 that's what she would tell you?

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1 A. Yes.

2 Q. But you haven't actually had  
3 that conversation, is your testimony?

4 A. Yes. No. That's right.

5 Q. So Dr. Rivera never told you  
6 those things; you just believe she could  
7 today?

8 A. Yes.

9 Q. Okay. You mentioned some  
10 HSSCs.

11 Are those the -- is that  
12 Ms. Lopez and the other --

13 A. Yes. Social -- social  
14 workers, yes.

15 Q. Okay. Any other HSSCs that  
16 come to mind who -- with whom you've  
17 spoken --

18 A. Ms. --

19 Q. -- about social media?

20 A. Ms. Vasquez is one for the  
21 high school.

22 Q. And just for completeness,  
23 it was Ms. Lopez, Ms. Vasquez, Ms. Sadio  
24 and Ms. Johnson?

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1           A.       Yeah.    Though Sadio and  
2   Johnson are school counselors.

3           Q.       I don't mean to confuse  
4   them.   I apologize.

5           A.       That's okay.

6           Q.       You talked about fight pages  
7   with your counsel.

8                    Do you recall?

9           A.       Yes.

10          Q.       On what platform were those  
11   fight pages posted?

12          A.       Instagram.

13          Q.       And for my own clarity, a  
14   fight page is when someone takes a video  
15   of a -- of a fight and posts it to a  
16   platform; is that your understanding?

17          A.       Yes, that's my  
18   understanding.   And it's managed and it's  
19   ongoing -- it's like -- there's the  
20   initial putting up of a fight and then  
21   there is a page where fights are  
22   collected.   They are shared, you know,  
23   through -- to different people, you know,  
24   not the least of which are other

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1 students.

2 Q. People are taking photos and  
3 videos of fights, they are posting them  
4 and then there's an ability for them to  
5 be shared, is what you're saying?

6 A. Yes.

7 And I guess features are  
8 altered and all kinds of stuff. And  
9 liked. And -- and commented on.

10 And there's no -- there's  
11 nothing that -- like, that they just  
12 present it and then you just see it and  
13 that's just that.

14 It's the -- the harm that's  
15 being caused has been when they can share  
16 it and that you can comment and you can  
17 like it. And that's -- that's been the  
18 issue.

19 Q. So they post these fights on  
20 a platform, correct?

21 A. Uh-huh.

22 Q. And then people have the  
23 ability to post comments, you're saying?

24 A. And -- and share it.

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1 Q. I'm just asking --

2 A. Oh, I'm sorry.

3 Q. -- just specifically, they  
4 have the ability to post comments, yes?

5 A. They have. Unless they, I  
6 guess -- I don't know if there's some way  
7 that they can turn the comments off. But  
8 they have posted comments, yes.

9 Q. And they have the ability to  
10 like or react or kind of express  
11 themselves in response to the video  
12 that's on there, correct?

13 A. Yes.

14 Q. And then they can share it  
15 so that other people can see it?

16 A. Yes.

17 Q. Okay.

18 ATTORNEY KARP: I do not  
19 have any further questions on my  
20 end.

21 Anyone on the line have  
22 questions?

23 In that case, I believe we  
24 are done.

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1 I'm sorry. Unless, Michael,  
2 you have questions.

3 ATTORNEY INNES: I have no  
4 further questions for Dr. Vauss.  
5 Thank you.

6 Thank you, have Vauss.

7 ATTORNEY KARP: Thank you  
8 for your time. I really  
9 appreciate it.

10 THE WITNESS: Thank you.  
11 It's been a pleasure to meet you  
12 all.

13 - - -

14 (Whereupon, a discussion off  
15 the record occurred.)

16 - - -

17 VIDEO TECHNICIAN: So  
18 Mr. Karp, you've been on the  
19 record for two hours and 55  
20 minutes. And Mr. Innes has been  
21 on the record for 19 minutes.

22 The time right now is  
23 2:49 p.m. We are off the record.

24 - - -



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(Whereupon, the deposition  
concluded at 2:49 p.m.)

- - -

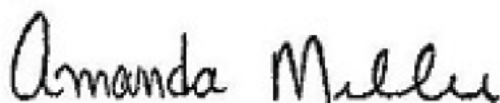
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CERTIFICATE

I HEREBY CERTIFY that the  
witness was duly sworn by me and that the  
deposition is a true record of the  
testimony given by the witness.



Amanda Maslinsky-Miller

Certified Realtime Reporter

Dated: May 12, 2025

(The foregoing certification  
of this transcript does not apply to any  
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INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

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ACKNOWLEDGMENT OF DEPONENT

I, \_\_\_\_\_, do  
hereby certify that I have read the  
foregoing pages, 1 - 215, and that the  
same is a correct transcription of the  
answers given by me to the questions  
therein propounded, except for the  
corrections or changes in form or  
substance, if any, noted in the attached  
Errata Sheet.

\_\_\_\_\_  
APRIL VAUSS, Ph.D.

\_\_\_\_\_  
DATE

Subscribed and sworn  
to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

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